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Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our rock, hear our praise today, for Your faithfulness endures to all generations. You hear our prayers. Surround us with Your mercy. You are our strength and our shield. Listen to the melody of our gratitude, for You are the center of our joy. Thank You for illuminating our paths with Your precepts, dispelling the darkness of doubt and fear.

Today, guide our lawmakers. Be their shepherd in these dangerous times. Help them to not trust solely in human wisdom but to follow Your revelation. Lead them beside still waters and reward their faithfulness. May they find their refuge in You.

Lord, You are our song. Thank You for the gift of this day. Empower us to be doers of Your will and not simply hearers. Deliver us from evil as we keep our eyes on You.

We pray with grateful hearts. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN D. CHAFEE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 14, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, today we have a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee.

Following morning business, the Senate will resume consideration of the Homeland Security appropriations bill. As I understand, there are approximately five pending amendments the chairman will review to determine when we will be disposing of them. Therefore, Senators should expect numerous rollcall votes over the course of the day as we move toward completion of that bill.

We do have our recess between 12:30 and 2:15 for the weekly party luncheons.

While I mentioned we will have numerous rollcall votes, and I see the assistant Democratic leader, one thing we must do over the course of today and tomorrow is limit the amount of time for Senators to vote in the specified time. We have Senators who straggle in. Everyone has an excuse. We have been too liberal in allowing people to come in late. In order to finish the bill, especially as we want to pay appropriate respect to the Jewish holiday tomorrow, I plead with our colleagues that they come as soon as they are notified there will be a vote. We give everyone a heads-up when there will be a vote. Come and vote and leave and efficiently use that time.

Mr. REID. Will the Senator yield?

Mr. FRIST. I am happy to yield for a question.

Mr. REID. Mr. President, I am so gratified to hear the leader speaking on this topic.

Yesterday, we had a vote that took 45 minutes. I suggested to the floor staff maybe we should do away with the 15-minute limitation and wait until the last person shows up. It is unfair to this body. I don't think the leader should plead with people to come. They would come very quickly if we start cutting off the votes. It is unfair to this body to wait around here while somebody is finishing a phone call or a workout in the gym while the rest of us are waiting to get work done.

Also, if I could, through the Chair, we want to finish this Homeland Security appropriations bill. We have been working through these numerous amendments. We are at a point where I believe we could finalize this bill.

Finally, as the leader knows, we wanted to have a cutoff on this. I understand the leader decided yesterday to take a look at it to see if there is something we could do to help the situation in Florida through this bill. I said yesterday—and still say this—let's finish this bill. We want to help Florida as much as we can, but I think, by trying to tie these two things together, it is not going to work very well.

I respectfully submit to the leader, let's try to push forward and have a timeline when we can finish this bill. It is an important piece of legislation. We understand that. But it would set such a good tone if we could finish that prior to the holiday beginning tomorrow.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Mr. FRIST. I thank the Senator.

Mr. President, I do again restate and reemphasize the importance of finishing this legislation, either this evening or early Wednesday morning, so Senators can observe the Rosh Hashanah holiday appropriately. We want to allow people to have travel time tomorrow as well. But we must finish this bill. Again, the plea for efficiency, for amendments to be brought forward, and that we vote on time is all to restate the importance of dealing with this very important bill and completing this bill in a timely way.

We may well have, in addition to a busy session today, a busy session tonight in order to complete the bill. I know the Members continue to make inquiries as to whether we will finish tonight or in the morning. All I can say is we have to finish the bill. The holiday starts tomorrow, late afternoon, but it means, to give people appropriate travel time, we need to finish it, and we have time to finish it tonight or tomorrow. But I think how things go today and tonight will determine the schedule over the course of the day, tonight, and tomorrow. I will have further updates on that as we progress on the bill.

PORTRAIT PRESENTATIONS

Mr. FRIST. Mr. President, I do wish to alert colleagues to a special event being sponsored by the U.S. Senate Commission on Art today. At 2:30 today, after the policy luncheons, in the Senate Reception Room, just adjacent to where we are now, the portraits of Senators Arthur Vandenberg of Michigan and Robert Wagner of New York will be presented.

Members of the Vandenberg and Wagner families have traveled to Washington for this special event. Senator DASCHLE and I both will be on hand and will be making very brief comments.

I encourage our colleagues to take a few moments to come by and help commemorate these two real giants of the 20th century. It is an opportunity for us to express our appreciation for two distinguished statesmen and their contributions. It is also a time for us to honor this great institution.

We have the opportunity of being part of a very unique family, the Senate family, and today's presentation of portraits in the Reception Room is a reminder of the trust that is placed in us by our fellow citizens and, indeed, as we look to the past, by history.

As a sidenote, I have to say I am very proud that the portrait of Senator Vandenberg was painted by a Tennessean, Michael Shane Neal.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. FRIST. Mr. President, if I could get through everything, I would be happy to yield the floor.

Mr. DORGAN. Thank you. Not yield the floor. I am asking if the Senator would yield for a question when he is finished.

Mr. FRIST. Yes, when I finish. Let me try to get through the announcements, the statements. Let me go through the material, and then I will be happy to yield for a quick question.

ROSH HASHANAH AND ANTI-SEMITISM

Mr. FRIST. Mr. President, tomorrow is the Jewish holiday Rosh Hashanah, and it is also called the Jewish New Year. It is one of the holiest days of the year in the Jewish faith for the Jewish people. Rosh Hashanah marks the anniversary of the creation of the world. It is a day for contemplation and prayer, to look forward to the year ahead, to reflect on past deeds, and to ask for God's forgiveness.

As our friends prepare to celebrate their holiday, I think it is appropriate for us to take time to reflect on our own deeds and the state of tolerance or, as I am pained to say, the rise of intolerance toward the Jewish people. A number of Senators will be speaking on the topic this morning, and I do urge my colleagues to listen and follow the issue closely. A sampling of anti-Semitic incidents just this summer really does paint a disturbing picture.

In Paris, anti-Semitic inscriptions were found stamped into a dozen books in the main library. The perpetrators stamped the edge of the books with the words ''Against the Jewish Mafia and Jewish Racism'' and then gave the Web addresses of anti-Semitic sites.

Anti-Semitic graffiti, including a sign saying ''death to Jews'' and a swastika, was found scrawled on a wall on the grounds of Notre Dame Cathedral.

Sixty gravestones were desecrated with swastikas in a Jewish cemetery in Lyon.

France was not alone. Last month, in Germany, thugs vandalized a Jewish monument.

In Belgium, four Jewish teenagers were assaulted. One of the Jewish students was stabbed in the back and his lung was punctured.

In New Zealand, a Jewish chapel was burned down and up to 90 Jewish headstones were pulled out of the ground and smashed.

In Canada, a synagogue was vandalized with graffiti, swastikas, and anti-Semitic slogans.

These are just a few of the incidents that have occurred in recent months. Leaders in the Jewish community are understandably concerned.

I urge my colleagues and my fellow Americans to share their concern.

We know the history. We know where anti-Semitism can lead. It is our duty to stand firm against bigotry and intolerance. We cannot allow history to repeat itself.

Again, I make these statements in part because of the Jewish holiday tomorrow. A number of people have come forward to express their sentiments to us in leadership. I know further remarks will be made on the floor in morning business on that issue.

Mr. President, at this juncture, I am happy to yield for a question.

Mr. DORGAN. Mr. President, I thank the majority leader for yielding for a question.

REIMPORTATION OF PRESCRIPTION DRUGS

Mr. DORGAN. Mr. President, this morning, again in a Congress Journal, it says: ''Frist Decision to Delay Reimportation.'' This is the issue of the reimportation of prescription drugs, in order to put downward pressure on drug prices, as I mentioned to the majority leader last week on the floor of the Senate.

I harken back to about midnight, March 11, in the Senate, on the floor of the Senate, when we were in session very late, to a statement put in the Senate RECORD by the majority leader saying ''the Senate will begin a process for developing proposals that would allow for the safe reimportation of FDA-approved prescription drugs.''

I say to the majority leader, I hope very much that his decision on what the remaining schedule will be for this Senate will include an opportunity for us to, on the floor of the Senate, consider legislation dealing with the reimportation of prescription drugs.

We have bipartisan legislation in the Senate. We also have a House-passed bill that is on the calendar. As I indicated to the Senator from Tennessee last week, it is my intent, and the intent of others—Republicans and Democrats—to push this issue to the floor. But I hope we would not have to push it in light of the statement by the majority leader on March 11, 2004.

I ask the Senator to respond.

Mr. FRIST. Mr. President, I would be happy to respond. Really, we need to clarify because I know a lot of statements have been made to the press that I made a commitment to the distinguished Senator to have a vote on the floor. I think we need to go to the statement he just read and see what was actually both said and the commitment that was made.

Let me read the statement again. He just read it. The statement was—and this statement made by me—''the Senate will begin a process for developing proposals that would allow for the safe reimportation of FDA-approved prescription drugs.'' So I do not think it is right for Senators on the other side of the aisle to characterize that statement as a commitment to bring it to the floor, have a vote on the floor of the U.S. Senate. So that is No. 1.

No. 2, since that statement was made—and I think it was March 11—it was with the understanding to do exactly what was said; that is, to begin a process that is deliberate, that is thoughtful, that is inclusive, that captures the ideas of a whole range of U.S. Senators, with experts coming in to testify, to talk, to discuss, in committees, outside of committees.

Since March 11, a tremendous amount has been done. Again, I will

come back to this whole concept of the safe importation of FDA-approved drugs.

Again, I was looking—because I knew it was going to come up again over the course of today—and vigorous process has begun in the Senate. If we just look since March 11, the Senate HELP Committee, the Senate Judiciary Committee, and the Subcommittee on Investigations of the Senate Governmental Affairs Committee have all held hearings—and continue to hold hearings—on this matter since that statement on March 11.

The HELP Committee, the Health, Education, Labor, and Pensions Committee, the committee of jurisdiction, has not yet developed a consensus on any approach because they are struggling with this issue of putting safety first.

We know there is broad appeal for people who say: Let's bring in cheaper drugs from Canada, maybe from Malaysia, Thailand, India, Brazil, because people want less expensive drugs. I am sure all the polls and surveys say: Bring in those drugs; that means I can get cheaper drugs.

In good conscience, as someone who recognizes that a few bad pills—think back to a Tylenol situation where we had five pills, back in the 1980s, that paralyzed our system, a few counterfeit drugs. The FDA tells us right now they cannot guarantee that 60 billion pills coming to this country every year can be safe, given the structures we have today.

I say that because it is very difficult. That is the reason I don't think we ought to just bring it to the floor without that careful consideration which is underway today, working through the committee of jurisdiction. It is a popular issue. When people say ''politically driven,'' that throws it into partisanship, which I don't want it to be. I know that is not the intention of the authors. We have people on both sides of the aisle supporting specific legislation.

Before bringing it to the floor, I want to make absolutely sure, in this time where we only have 17 days left, when we have an appropriations bill we are presently struggling to finish tonight that talks about the safety and security of the American people, where we have the issue of intelligence reform, where we know we have to look at it internally and reorganize this body, the huge task to make sure we handle intelligence matters appropriately here, where we have a call from the President of the United States over the next 17 days to totally reorganize 15 intelligence agencies in the executive branch, focusing on the safety and security of the American people as it applies to intelligence, I just don't think by bringing this vote up to the floor, because it will be sort of the popularly driven vote without sufficient attention to safety first, that that is the right thing to do, given these 17 days.

We all want to lower the cost of prescription drugs. They are way too high. They are going up too fast. We want to use appropriate tools to do that. Reimportation, if it can be safe, may be one of those tools. Can it be done safely? That has to be the fundamental question. I know both sides of the aisle want the drugs to be safe. They don't want drugs coming in cheaply just so we satisfy the demand for cheaper drugs. The question is, How do we do that. We don't have the consensus yet, I believe, to bring it to the floor and have people voting up or down. And then we really don't have time on the floor as we look at safety and security, the issues of intelligence, intelligence reform, 12 appropriations bills, all due in the next 17 days.

Mr. DORGAN. If the Senator would allow me the courtesy of a reply in leader time, the Senator has taken a lengthy period of time to describe why this may not happen. Let me make a couple of observations.

The Senator knows what we discussed at midnight on the floor on about six or seven occasions prior to midnight on March 17. There were plenty of days left in the session at that point to consider a bipartisan bill on the reimportation of prescription drugs. We agreed there would be a process for developing proposals that would allow for the safe reimportation of prescription drugs, with the understanding that it was going to happen this year.

In the HELP Committee, which the majority leader referenced, there have been three markups scheduled and three markups cancelled. That is not a process that leads to allowing the reimportation of prescription drugs.

I have great respect for my colleague from Tennessee, but there is no safety issue here. Europe does this every day routinely in something called parallel trading. The question for this country will be, Will we decide to put downward pressure on prescription drugs by allowing reimportation or won't we? I believe earlier this year the representation was given to the Senate that we would be allowed the opportunity on the floor of the Senate to deal with this issue.

It is my determination, as with others in the Republican and Democratic caucuses, to push this issue. We need to make time for this in the coming days because this Congress is going to have to consider it. I believe we were given a commitment that it was going to be considered. Three markup sessions that were scheduled and then canceled is not the development of a process that would allow for reimportation. If those of us who have developed our bill on a bipartisan basis don't push it, we will end this session with no opportunity for reimportation of prescription drugs and no opportunity to put downward pressure on prescription drug prices.

This is not a partisan issue for me. It is not a political issue. It is about some poor soul out there this morning who is trying to buy prescription drugs and using his or her grocery money to do it because they are paying double, triple, quadruple, 10 times the price they pay when they go north of the border to buy the same drug put in the same bottle and made by the same company. It is unfair. We ought to do something about it. We have waited far too long.

I respect the majority leader. I simply wanted to point out there has to be time to consider this in the coming 17 days. There was in March, and there needs to be now.

I thank the Senator from Tennessee for his courtesy.

Mr. FRIST. Mr. President, I don't want things to be misrepresented. I want everybody to have a full understanding. The challenges in the HELP Committee do reflect the difficulty. When you are talking about safety, not just of cheaper drugs, if you give somebody a counterfeit drug that doesn't thin their blood and they have a stroke and they die, we have done a disservice. I don't want that to happen. I am not saying reimportation will cause that to happen, but I will say it is our responsibility to put safety No. 1.

I promise you, I will do that. It is an important issue. We agreed on March 11 to put a process in place. Three attempts by the HELP Committee were mentioned that were canceled or postponed. Let me just say, on Thursday July 22, the Subcommittee on Investigations of the Senate Committee on Governmental Affairs held a second hearing on purchasing prescription drugs. On July 21, the HELP Committee had planned to do the markup. It had to be postponed. That is correct.

On July 14, the Senate Judiciary Committee held a hearing on the implications—that is, safety. They also talked about intellectual property trade. But they specifically focused on the drug importation legislation.

On June 23, the Senate GOP HELP Committee had a briefing to help educate us broadly. It was not a markup but a briefing to educate us broadly to discuss, specifically, importation.

On June 17, the Subcommittee on Investigations of the Senate Committee on Governmental Affairs held a hearing where GAO released two new studies that documented how American consumes are able to readily obtain prescription drugs, including controlled substances, over the Internet without a prescription. In that hearing they talked about erroneous dispensing labels, suspicious packaging.

On May 20, the HELP Committee held a drug importation hearing to examine the challenges of developing and implementing drug importation legislation.

The administration has a specific task force on drug importation that was set up as a product of the Medicare bill that we passed on this floor. They have not yet issued their final report. The report will incorporate testimony—this is what the administration is doing—by consumer groups, by professionals, by safety experts, by the FDA, by leading representatives from

health care purchasers, from academic scholars. The task force has not yet released their report to us or to the American people. We await that. It is a very important initiative by the administration that we mandated to them. Off the Hill, a number of forums have been held since March.

I mention all of this because I don't want the impression left that this issue, which is important to the American people—and we want less expensive drugs, but we want them to be safe drugs—is not being addressed by this body or other people concerned. I will continue to work with the other side. I know there will be a huge push in these next 17 days to get this up for a vote. I just don't think with the issue of safety and the amount of attention it is going to require on the floor of the Senate, when we are talking about the safety of those seniors and others who depend on these lifesaving drugs, I don't think we can address it adequately in the next 17 days.

I yield the floor.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDING OFFICER (Mr. ENZI). The Democratic leader is recognized.

ESCALATING COSTS OF MEDICARE

Mr. DASCHLE. Mr. President, I ask unanimous consent that a USA Today story entitled ''Medical costs eat at Social Security'' be printed in the RECORD.

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

[From USA Today, Sept. 14, 2004]

MEDICAL COSTS EAT AT SOCIAL SECURITY

(By William M. Welch)

WASHINGTON.—With a new Medicare drug benefit set to begin in 2006, Americans 65 and older can expect to spend a large and growing share of their Social Security checks on Medicare premiums and expenses, previously undisclosed federal data show.

Information the Bush administration excluded from its 2004 report on the Medicare program shows that a typical 65-year-old can expect to spend 37% of his or her Social Security income on Medicare premiums, copayments and out-of-pocket expenses in 2006. That share is projected to grow to almost 40% in 2011 and nearly 50% by 2021.

Unless Congress does something to hold down costs confronting seniors, the official projections suggest that health spending will consume virtually the entire amount of Social Security benefits when children born today reach retirement age.

The table was provided by the Department of Health and Human Services at the request of Rep. Pete Stark, D–Calif. Stark, who opposed the drug benefit enacted last year at President Bush's urging, sought the data after noticing that a chart included in previous annual reports was not in the 2004 version.

Stark charged that the administration threw out the chart because it shows future Medicare costs under the new law will erode Social Security checks.

''It doesn't look good to lie to grandma, so the Bush administration has withheld information and come up with other creative ways to mask the damage they have done to Medicare,'' Stark said.

Richard Foster, Medicare's chief actuary, said the program's trustees—administration officials and appointees—replaced the chart with a graph that lacks specific numbers in an effort to show that the increased costs come with a new benefit.

''The table makes it look like beneficiaries are worse off than ever, and that's not the case,'' Foster said.

Bill Pierce, a spokesman for Health and Human Services Secretary Tommy Thompson, said the administration wasn't trying to hide anything. ''We have a new program, and it's got to be reflected with new information,'' he said.

The drug benefit is voluntary. It requires a premium, estimated at $420 a year initially, and substantial copayments. The administration estimates participants will save about 50% on their drug bills.

Critics of the law say the new figures show it does little to restrain drug costs. The law prohibits the government from negotiating lower drug prices.

The data ''ironically are the clearest proof of the new Medicare law's failures and the resulting squeeze on seniors' pocketbooks,'' said Ron Pollack, head of Families USA, a health advocacy group.

The disclosure comes just days after the administration announced Medicare premiums will rise by 17% next year due to rising health costs.

Foster is at the center of another dispute over missing data. He says he withheld from Congress higher cost estimates for the Medicare law last year, at the direction of a Bush appointee who headed the Centers for Medicare and Medicaid Services. Congress approved the law based on a 10-year, $400 billion estimated price tag. Foster's estimate was $540 billion.

Mr. DASCHLE. Mr. President, I appreciate the opportunity to listen to the colloquy both Senators DORGAN and FRIST have engaged in. Coincidentally, I had intended to come to the floor to talk about the new report that was released on the front page of USA Today citing the dramatic increase in Medicare costs and the impact these costs will have on seniors' Social Security benefits.

In 2005, 19 percent of Social Security benefits are going to go to Medicare expenses. But according to the USA Today article:

> a typical 65 year old can expect to spend 37% of his or her Social Security income on Medicare premiums, co-payments, and out-of-pocket expenses in 2006. That share is projected to grow to almost 40% in 2011 and nearly 50% in 2021.

According to the article, by 2026, over half of a senior's Social Security benefits will be consumed by cost increases under Medicare, including cost increases associated with the new part D drug benefit.

Think about that: we are on pace to see nearly half of the benefit seniors depend on under Social Security consumed by cost increases under Medicare.

Unfortunately, I think the Senate and the country took a step backward when the Senate made the decision last year to pass the legislation it did. Part of the reason for these increases is that the new law will do almost nothing to bring down the cost of prescription drugs. Another reason is that the law and this Administration is overpaying HMOs.

There are ways we can address the dramatic cost increase this chart represents, ways to protect seniors' Social Security and lower drug prices. The first is to do what Senator DORGAN has suggested, and that has bipartisan support: allow reimportation of drugs from Canada.

Canada has exactly the same drug, the same corporation, the same everything, and yet the drugs available there are oftentimes 50 to 60 percent cheaper than they are in this country. If a senior citizen can go to another country to acquire those drugs, why in heaven's name would we prevent them from doing so?

I have heard the distinguished majority leader say that safety is a factor and that we ought to consider safety as we consider providing access to these drugs. Well, I would say cost is a safety issue as well. I have talked to countless seniors in South Dakota who are rationing their own medication because they cannot afford it. If, based on cost, our seniors are not able to take the drugs they need, no one can tell me that is safe. When one rations drugs, when one does not take them all, when one splits pills, when one makes a choice between nutrition and medicine, how safe is that? That is exactly what is going on today.

We've already made the decisions to ensure these drugs will be safe. We should not have to worry about another report or another bureaucratic response. Our seniors are not prepared to wait any longer. We have debated this long enough. Reimportation ought to be the law of the land today. That is one way, perhaps the easiest, simplest, and most compelling way, to deal with the cost issue immediately.

There is a second way to address rising costs. A second way is to do for seniors what we already do for veterans and for our military. What do we do for them? The Government negotiates with the drug companies to bring down prices.

In most cases, drug prices for veterans are at least 60 percent lower than they are for seniors. The only reason they are that much lower is because the Government has the authority to negotiate these lower prices.

Why in heaven's name would people object to extending this concept to seniors as well? On that issue, the drug companies won; we lost. There is a specific prohibition against Medicare negotiating lower prices for seniors, and I think that is an outrage. We ought to pass legislation to allow Medicare to negotiate lower drug prices.

The third thing we can do is to pass legislation that has at least two forms today—and there may be other ideas. Senators STABENOW and KENNEDY have offered a very good bill that would say we cannot increase Medicare premiums beyond the cost of living next year,

hold it at that. I have a bill that would do something similar. It says premiums for Part B and Part D of Medicare cannot exceed 25 percent of the cost-of-living allowance provided to Social Security beneficiaries. Both of these bills would help keep costs down for seniors.

So we do not lack ways in which to address the cost issue. What we lack is will, a commitment, a determination to bring the issue to the floor.

We all lament the dramatic increase in the cost of health care, but we are not going to solve it unless we are willing to take some action. We can go through more hearings, we can go through a lot more reports, but reports and hearings are not going to get the job done. This Senate needs to act.

I am amazed at the degree to which the finger-pointing continues to go on and on, with the tired and lame excuse that it is somehow the Democrats' fault that we have not addressed reimportation, that we have not addressed any of the other pending issues. We have had specific commitments on mental health parity and that bill is now unlikely to be addressed, even though we have had very specific commitments to take up mental health parity in the Senate. That has not happened because there is a lack of commitment and energy on the other side.

We have not been able to deal with the FSC bill, the welfare reform bill, the tax bill, the highway bill, in large measure because our Republican friends have not been able to agree among themselves. So all of these and other issues continue to languish. This is a do-nothing Congress and in large measure it is do-nothing because they have done nothing to bring themselves together and force these issues on to the Senate floor to allow us the opportunity to vote and to do the right thing.

Senior citizens deserve better than that. Those who are in this country looking to the Senate for answers on all of these and other issues deserve better than that. I hope we can make the most of what limited time we have remaining so we can do better than that.

THE FEDERAL GOVERNMENT MUST KEEP ITS EDUCATION PROMISES

Mr. DASCHLE. Mr. President, throughout America, another new school year is beginning. As children settle into new classes and parents meet their children's new teachers, we are reminded once again of the importance of public education to America's future.

Good, strong public schools are not a Democratic or a Republican concern; they are a cornerstone of American democracy. They are what has helped America create the most innovative, powerful economy the world has ever known and they are essential to the survival of the middle class in this country.

Nearly 3 years ago, Congress passed the No Child Left Behind Act containing the most far-reaching changes in Federal education policy in nearly 40 years. Recently, States released their second annual No Child Left Behind report cards, showing how their schools are measuring up under the new law. This afternoon, I would like to talk briefly about how the Federal Government is measuring up—whether we are keeping the promises we made under No Child Left Behind and other important education laws.

All of us know that, if we mention No Child Left Behind at a town hall meeting, we are just as likely to hear boos as we are to hear applause. Why is that?

One reason is because of some basic design flaws. What seemed to work well on paper, we are discovering, may not work as well in practice. Parts of No Child Left Behind need fine-tuning.

There were also some problems, early on, with the way the administration was implementing the new law. Fortunately, some of those problems are starting to be addressed. Yesterday, Senator KENNEDY introduced legislation to make sure the No Child Left Behind Act is implemented correctly. No one understands the No Child Left Behind Act better, and no one worked harder with President Bush to pass it. We ought to have a serious debate—and a vote—on Senator KENNEDY's bill this year.

Unfortunately, the administration and Congressional Republicans remain unwilling to acknowledge one of the biggest impediments to the success of the No Child Left Behind Act: inadequate resources.

Our Republican colleagues cite numbers to show that education funding is increasing. With all due respect, their numbers miss the point. The question isn't: Is the Federal Government spending more on education? The question is: Is the Federal Government providing States with the resources they need to make the No Child Left Behind Act, and other Federal education mandates, work? The answer is no. The President's budget for this year provides the smallest increase in education in nearly a decade. Over the last 3 years, the President's budgets have shortchanged No Child Left Behind by $26 billion.

We all know that more money alone won't make schools better. But we also know that money does matter. It costs money to make the changes the No Child Left Behind Act requires. It costs money to put a highly trained teacher in every classroom. It costs money to test every student, every year, in grades 3 through 8. It costs money to produce and distribute the school report cards that are required under the new law, and to collect and analyze all the data that go into those report cards.

The No Child Left Behind Act aims to close the achievement gap by raising the educational achievement of poor and minority students and students with disabilities. This is a noble and necessary goal. Yet, year after year, the programs that actually help close that achievement gap are the very programs that are the most seriously underfunded. In the President's budget this year, 80 percent of the total shortfall in the No Child Left Behind Act is in Title I programs. The children and schools that need the most help are instead targeted for the biggest funding shortfalls.

Shortchanging Title I and other parts of the No Child Left Behind Act means denying schools the resources they need to succeed—then punishing them for not measuring up.

Refusing to fund No Child Left Behind adequately also undermines local control of schools. Rapid City, SD, is a good example. Parents and educators in Rapid City have come up with an innovative plan for a new, year-round school that would provide extra help to low-income children. It would also work with the children's parents so they can be better partners in their children's education. It is exactly the kind of intensive help that is needed to close the achievement gap. But Rapid City doesn't have the Title I resources to make it a reality.

The underfunding of the No Child Left Behind Act is a major reason that legislators in 17 States—many of them Republican-controlled States—have endorsed bills protesting the law.

The President's budget also provides less than half of what Congress agreed nearly 40 years ago was Washington's fair share of special education costs.

The National Council of State Legislatures estimates the cost of unfunded Federal mandates will hit an unprecedented $34 billion this year. The two most expensive unfunded Federal mandates? No Child Left Behind, and special education. In South Dakota, the shortfall this year just in these two programs is $61 million; $30 million for No Child Left Behind, and $31 million for special education.

Accountability is critical. But accountability has to work both ways. If the Federal Government passes a law, we ought to fund it adequately—not push the cost off on State and local taxpayers.

In South Dakota, we have a State law that allows school districts to ''opt out'' of the State freeze on local property taxes if they can't provide basic educational programs and still balance their budgets. These are not cases where communities choose to pay higher taxes in order to pay for extras. Before districts can even seek an opt out agreement they have to have already made significant budget cuts.

The number of districts seeking such agreements has increased dramatically since No Child Left Behind was passed. Today, 46 percent of South Dakota school districts are operating under opt out agreements. Think about that: Nearly half the school districts in South Dakota are raising local property taxes, in part to make up for the

Federal Government's failure to keep its education promises.

Custer is one those communities. It is a small ranching town in western South Dakota. Last year, Custer went to a 4-day school-week to balance its budget—and it still ended the year with a deficit. This year, Custer has to find an extra $300,000 to replace the 70-year-old boiler in its elementary school. It has no idea where the money will come from.

In Faith, SD, the town's only school building was condemned in June. The people of Faith have no idea how they will replace their school. The local tax base can produce only a fraction of the cost. For now, the children of Faith are attending classes in double-wide trailers.

During the debate on No Child Left Behind, I fought to include a Rural Education Assistance Program to address the unique circumstances of schools in small towns like Custer and Faith. That program, too, is underfunded in the President's budget. In South Dakota alone, the shortfall in rural education this year is $700,000.

Nearly every district in our State has laid off teachers in the last few years. They have cut advanced placement courses, art programs, foreign languages, vocational education programs—you name it. Wall, SD, has eliminated its entire middle-school staff. High school teachers in Wall now teach high school and middle school. Rural districts are forming consortia to share administrators and education specialists.

Across the country, schools are laying off teachers and other employees, and cutting programs, bus routes, textbook purchases, and other expenses. Many communities are rationing Title I funds—limiting them to elementary schools only—because, they say, if they had to include high schools, there wouldn't be enough left for elementary schools to make a difference.

The refusal by Republicans in Washington to adequately fund Federal education programs is not the only reason many public schools are having a difficult time balancing their budgets. But, at a time when many State and local governments are still struggling, these Republican unfunded education mandates are making a difficult situation worse in many places.

And it is going to get much worse. That is not speculation. The Bush administration's own internal budget documents project more than $5.5 billion in cuts for elementary and secondary education in fiscal years 2005 through 2009. Those cuts are more than six times larger than the education increases they are calling for in this election year. That is from the President's own Office of Management and Budget.

If we really couldn't do any better, that would be one thing. But this is a matter of choice, not necessity. At the same time the President and Congressional Republicans are telling us that we can't afford—or don't need—to keep the education promises the Federal Government makes, they insist that Congress needs to create tens of billions of dollars in new tax breaks for millionaires and wealthy corporations. That is the wrong choice for America. Real reform requires real resources, otherwise it is just an empty slogan, or worse—a set-up for failure.

As they start this new school year, most children probably aren't paying any attention to what goes on in Washington. But what we decide here about education will have a profound effect on their future. During the education appropriations debate, Democrats are going to fight to keep the education promises our Government has made. We hope our Republican colleagues will join us—for our children's future, and for the future of our democracy.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for debate only for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the second 30 minutes under the control of the majority leader or his designee.

Mr. REID. On behalf of Senator DASCHLE, I yield 10 minutes to the Senator from Illinois, and following him 15 minutes to the Senator from Massachusetts, Mr. KENNEDY.

The PRESIDING OFFICER. The Senator from Illinois.

HEALTH CARE IN AMERICA

Mr. DURBIN. Mr. President, yesterday President Bush went to Battle Creek, MI. The purpose of his visit, of course, was in preparation for the election but also to raise a critical issue, and the issue is the same one we have discussed this morning: health care in America. President Bush was outspoken in attacking Senator JOHN KERRY for having the nerve to suggest we need to change health care in America.

In criticizing JOHN KERRY, President Bush, quoting from the morning newspaper, said JOHN KERRY's proposal would be ultimately a Government takeover of medicine. It would be a massive, complicated blueprint to have our Government take over decision-making in health care. Bureaucrats would become the decisionmakers.

Once again, the Republican Party and President Bush wave the bloody shirt that if anyone suggests a change in the health care system in America today that they are calling for socialism and more bureaucracy.

What the President refuses to acknowledge and what the leadership on the Republican side of the Senate refuses to acknowledge is the health care system in America is in crisis. Since this President took office, census figures show 3.8 million more Americans are uninsured. In addition, the Kaiser Family Foundation study released last week said families are paying on average $1,000 more out of pocket for health coverage this year than in the year before the President was elected.

It tells us that health care is becoming more expensive, more exclusive, and, frankly, that the average working family doesn't have a fighting chance under this system. What is the response on the Republican side of the aisle? What is the response from President Bush? More of the same. Don't rock the boat. We cannot say anything negative when it comes to the enormous profits that are being garnered by the drug companies and the HMOs.

But families and businesses across America understand the reality of health care today. When the Republican leader comes to the floor of the Senate and announces that we don't have time in the remaining weeks of the session to consider the issue of reimporting drugs from Canada or other countries, what he has basically said to thousands of seniors and families across America is that we are going to protect American drug companies and their profits at any cost. That is what has happened with our own prescription drug plan for seniors, and it is what is happening for the agenda for the Senate.

Look at what happened to premiums across America. On this chart is a trendline. I don't have to go year by year. Ask any employer in America what has happened to health insurance premiums and they will tell you that every year it is more expensive. I go around Illinois and meet with good, solid, God-fearing Republican businessmen who tell me: Senator, we cannot take it anymore. There is no way we can deal with these annual increases in health insurance. What are you doing in Washington about this? The honest answer is, under the Bush administration and the Republican-controlled Congress, absolutely nothing. So what do these businesses do? They will tell you over and over again they have no choice. How big an obstacle is health care cost in hiring new employees? And 78 percent say it is an obstacle. They cannot hire a new person because the cost of health insurance is so high.

What about the health insurance companies, the HMOs? How are they faring as these health insurance premiums go up? Do the premium increases just reflect the fact that it costs more to provide health care? Look at their profit margins. HMO profits from 2002 to 2003 went from $5.5 billion to almost double that amount, $10.2 billion.

You ask yourself, why is the President criticizing JOHN KERRY for bringing up meaningful health care reform

to help working families and help small businesses and large businesses as well? Because the HMOs don't want anybody to rock the boat. The Bush administration, whether they are dealing with the drug companies or HMOs, is going to protect their profit margins, even at the expense of adequate health care for Americans.

When you take a look at what JOHN KERRY proposed, I don't believe it is radical. Would you be in favor of reducing the tax cuts for people making over $200,000 a year and taking that money and expanding the coverage of health insurance in America? Is that a radical idea? No, that is a commonsense idea. People making over $200,000 a year are not going to miss that tiny tax cut as a percentage of their income. But when you put that money together, you are able to address some of the serious problems facing us.

I believe President Bush forgot the obvious. Average working people cannot keep up with the cost of health insurance and health care in America. His administration has done nothing, absolutely nothing, to deal with it. What do they do when JOHN KERRY comes forward and says it is time for us to have a bipartisan discussion on bringing the costs of health care under control and expanding coverage? President Bush goes to Battle Creek, MI, and accuses him of socialized medicine, huge bureaucracies. He says, ''A Government takeover of medicine.'' Those days have passed.

It has been over 10 years since the Congress and the Government in Washington have had a serious conversation about the cost of health insurance. In that period of time, the private sector has been in charge. The private sector has done to health care what you would expect them to do. They have raised the cost and reduced the risk. So every year you find your health care premiums going up and coverage going down while their profits go through the roof. If you want 4 more years of the same, you will have a chance to vote for it on November 2.

Also, consider that Congress—this Chamber, the Senate, and across the rotunda in the House—has failed to meet our responsibilities under Republican leadership. When we have the Republican leader come before us today and say we don't have time to deal with the reimportation of drugs before we adjourn for a recess this year, trust me, if the Republicans continue in control of this Chamber, there will be another excuse next year.

Despite the best efforts of Senator DASCHLE, Senator DORGAN, Senator KENNEDY, and so many others, we are not going to have an opportunity to help people across America deal with the soaring costs of health care until there is a change in leadership and attitude. It is time for business and labor, Republicans and Democrats, to come together to face this health care issue and to do it in a bipartisan fashion. We can do it, but we need a change of leadership to achieve it.

Mr. President, I yield the floor.

Mr. REID. Will the Senator from Massachusetts allow the Senator from Michigan 2 minutes?

Mr. KENNEDY. I am delighted to.

Mr. REID. Senator KENNEDY still has 15 minutes. The Senator from Michigan has 2 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I thank my colleagues very much. I thank the Senator from Massachusetts for allowing me to take 2 minutes to follow up on the comments of the distinguished Senator from Illinois concerning what is happening on health care and reimportation.

I just came from a gathering with colleagues on both sides of the aisle and the House of Representatives, speaking out again on why we need to pass that bill immediately. We want to lower prices. We need to allow pharmacists to do business with pharmacists across the border in Canada or other countries where it is safe, and we can drop prices in half.

I also raise one more time this issue of the Medicare premium increase that was announced by the administration over a week ago at the end of the day, on a Friday, in the middle of a hurricane, unfortunately, right after the Republican convention, when the President indicated he was going to lower pricing for seniors for health care, and then we saw an announcement of the largest premium increase in the history of the country—17.5-percent premium increase. Social Security is only going up by approximately 3 percent this year, which means seniors will be moving backward, being put in a real hole as a result of what is happening.

I am pleased to have introduced legislation along with my colleague from Massachusetts and other Members. We welcome everyone's support and cosponsorship, and I hope we can get this taken up as quickly as possible. There will be a 17.5-percent increase in Medicare premiums, and a piece of that, as a result of policy changes to privatize Medicare, is not acceptable. As I indicated before, Social Security is going to go up about 3 percent. Yet, we are going to see the highest increase in Medicare's history in premiums.

The majority of seniors have not asked to privatize Medicare. They have not chosen that option. They should not be paying for it. I urge my colleagues to join us to fix that before we leave this fall.

Mr. REID. Mr. President, I yield our additional 5 minutes to Senator KENNEDY, for a total of 20 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first, I commend our leader, Senator DASCHLE, for his presentation this morning and for his constancy and leadership in attempting to bring reimportation legislation before the Senate. He has supported the bipartisan legislation. He reminds us about the importance of it. I am a strong supporter of that legislation. I am disappointed, as Senator DORGAN is, that we have not been able to address it.

This legislation would have an important impact in terms of grabbing a hold of the problem of the escalation of prescription drug prices. The issues on safety have been addressed. I commend our leader for recognizing this and bringing it to the Senate, and I thank Senator DORGAN for his persistence and leadership. Once again, I commend as well my friend and colleague from Michigan, DEBBIE STABENOW, who has been a leader in pursuing a legitimate prescription drug program for years—certainly since she has been in the Senate. I thank again Senator DURBIN from Illinois for his very eloquent summation about where we are in terms of our health care challenges in this country.

I was somewhat surprised, although I should not have been, reading through the President's statement yesterday.

I ask the Chair if he would let me know when I have 3 minutes left, please.

I was surprised, listening to the President talk about the health care challenges we are facing in this Nation. What troubled me about the presentation is that the President went on to misrepresent what my friend and colleague stands for, and basically what I stand for, in the health care choices that are before this Nation. Then, in a technique which some of us have gotten used to here in the Senate—but certainly I think it is unworthy in the Presidential debate—to misrepresent, distort the position of the opposition, and then to differ with it. That is a debate technique which is used here frequently, but is certainly not, I think, fitting in terms of the office of the Presidency of the United States.

In his comments he mentioned that today we are going to hear a lot of talk about a difference of opinion. It starts with: You know what you expect from a Senator from Massachusetts.

I imagine he was, in all respect, making a reference to the longstanding position I have held which I think is still absolutely essential for this country; that we have a universal, comprehensive program that is affordable, dependable, and reliable, at a price that working families, middle-income families can afford. That has been my position. I have offered legislation for more than 35 years to try to be able to do it. We have been unable to do it and I think the American people have suffered.

When I was reading through the comments of the President, they had a wisp of the kind of comments made 35 years ago when a comprehensive, universal program was proposed. At that time the opponents said, Can you imagine, this bill to have a universal, comprehensive program will cost $100 billion?

Let me remind America, this year we are going to spend $1.8 trillion, and $500

billion of that $1.8 trillion has been the increase of the cost of health care for American families since this President assumed office. Hello? Hello, Mr. President? Five hundred billion dollars, half a trillion dollars in increases, and what do you get for it? I will come back to that.

The basic point, so all of us know what JOHN KERRY is fighting for, is to let the American people buy the same kind of insurance policy we have. Who are we? We are Members of the Congress of the United States. We are Senators of the United States. We are executive members of the U.S. Government. We have a very good program. JOHN KERRY believes that same program ought to be made available to the American people. But President Bush does not, nor does the Republican leadership. That is the basic difference.

We know we have a very good program. There is not a Member of this body, not a single Member of this body who doesn't have the Federal Employees Insurance Program. It is an excellent one. We pay 25 percent of the premium and the taxpayers pay 75 percent. That is true with regard to the President of the United States. I wonder, for all those people who were out in that crowd yesterday listening, what percent are they paying for their premiums? I doubt if 2 percent or 3 percent or 4 percent of the crowd he was talking to have the same quality of health insurance we have in the Senate.

It bothers me when we have statements which misrepresent what my friend and colleague is fighting for, which I believe in very deeply. That the American people are entitled to and should have the same kind of health insurance everyone in this body has. That is the issue.

This President says no to that. The Republican leadership says no to that. In the meantime, what they do reminds me very much of what they did with regard to the Iraqi policy. They misrepresent, they distort, and they basically deceive the American people with regard to the facts of the opposition. That is what they have done with regard to Senator KERRY's position.

We have a campaign on. I was here during the debates on the Medicare program. We had legitimate debates on it. It is true the Republicans overwhelmingly opposed Medicare, as they opposed Social Security. So when you listen to a lot of our colleagues—including this administration—talk about how they are for comprehensive universal health care, we ought to say: Hello? When did that come about? We haven't heard that for the last 4 years.

I challenge any Republican to identify the legislation that has been advanced, put before the Senate, that would provide the kind of comprehensive, universal health care coverage at the cost people can afford. It is not there. This administration has not fought for it, doesn't believe in it, and is distorting and misrepresenting the program JOHN KERRY has offered.

There has been reference today to ''Medical Costs Eat At Social Security.'' I wonder if the President mentioned that yesterday. When the actual publication of the Medicare actuaries came out, they designated these increases, not by dollars, but by lines. That is because this administration has been hiding the costs of their various programs. It even says here at the bottom of the article which Senator DASCHLE has had printed, that Foster, who is one of the principal spokespersons for the administration ''is at the center of another dispute over missing data. He said he withheld from Congress higher cost estimates for the Medicare law last year. . . .''

Hello? Here it is, the administration trying to hide the costs of Medicare, and complaining, out in Michigan, about the costs of Senator KERRY's health care program. The article says Foster ''withheld from Congress higher cost estimates last year at the direction of a Bush appointee.''

A Bush appointee? Hello, Mr. President, why haven't you mentioned this in your comments about Senator KERRY?

That would be sad enough, if it weren't for the real results of these increases and in particular the failure of this administration to get a handle on health care costs and on prescription drugs. With the passage of what I call the good-for-nothing Medicare bill the President referred to as—well, he talks about:

> I was sent to Washington to do something, so we modernized Medicare . . . [Listen to this, so we modernized Medicare] with the Medicare bill that was passed just this last year.

We will come to that in a moment. But let's look at what is happening to the increased costs on Social Security. I draw your attention to this chart entitled ''The Bush Medicare Program, Health Costs Impoverish Senior Citizens.''

These are not the figures of the Senator from Massachusetts. These are the figures of the Office of the Actuary, Department of Health and Human Services. The chart they used in the article, ''Medical Costs Eat At Social Security,'' is for a 65-year-old. This is for an 85-year-old. These are the members of the ''greatest generation.'' These are the men and women who fought in World War II, the great generation that lifted the Nation out of the Depression, fought in World War II.

By 2006, 43 percent of their Social Security benefit is going to be used to pay for the premium and the copayments under Medicare. In 2016 it will be 52 percent. By 2026, it will be 65 percent. That is 43 percent by 2006. How are our seniors going to do it? Well, Senator KENNEDY, we have had an increase in the cost of health care, and this has been terrible but this administration has tried to do something about it. Baloney. This administration has done nothing about the health care costs that are out of control.

This chart shows that health care costs are out of control. This chart indicates the increase in the premiums that we have seen during the period of 2001 cumulatively to 2004. The blue indicates the CPI during that period of time. What we have seen cumulatively is the CPI has gone up 9.2 percent, and health care costs, 59 percent.

Costs are out of control. Where is the administration's answer to the cost of the control? Why aren't we debating that on floor of the Senate after we do homeland security? Why aren't we doing it? We have an opportunity to do something about it with the reimportation. You just heard the majority leader say we were not going to consider it at this time.

The President says costs are out of control. We say OK. Let us do something. Let us make a downpayment and try to get a handle on prescription drugs. The majority leader and the President say: No. You can't do that. We are not going to let you do that. We are going to block you here in the U.S. Senate.

Here it is with regard to the general costs being out of control in relation to the CPI.

Let us look at health care costs. Family coverage costs have increased in 2004. It was $6,348; now it is $9,050. For single coverage in 2000 it was $2,400; now it is $3,600.

That is what has been happening over the period of the last 3 years under this administration. What is their answer? No. The one thing we can do about getting a handle on costs and we are not going to let you do it; we are not going to do reimportation.

Look at the Bush record with regard to the price of prescription drugs. This chart, based on data from HHS, CPI and the Bureau of Labor Statistics shows the cumulative changes in the CPI and the cost of prescription drugs from 2001 to 2003. The CPI grew at 6.8 percent over the period of 2001, 2002, and 2003, and the cost of prescription drugs at 51.5 percent. How are our seniors going to do it? They can't do it. They make the choice between nutrition and prescription drugs, between heating their homes and prescription drugs, between food and prescription drugs, in my part of the country, in walling off part of their houses in the wintertime because they can't afford heating oil and prescription drugs. It is happening every single day. Can't we do something about it? Sure we can, as we have pointed out.

The costs of these prescription drugs are a half or even a third of that in other places around the world.

We have ways to deal with both the costs as well as the safety. But no, the administration won't do it. We see that the administration has basically abandoned any effort to do something about getting a handle on costs. We have seen the total amount that has been expended in this country increase by $500 billion, from $1.3 trillion to $1.8 trillion.

We have seen the President talking about the opposition while JOHN KERRY is trying to get a universal comprehensive program. It ought to be a matter of right in this country. The President says no. And we have denial on the floor of the Senate on the day after the President has spoken of doing something about getting a handle on costs, and this administration wants 4 more years? Talk about irresponsibility. They mislead us in going into Iraq. They mislead us in the use of intelligence. They mislead the people of Iraq, and they have done the same thing on health care. How long are we going to take it? What do the American people need?

Here it is with the number of the uninsured—large and rising by 1 million a year in the increase of the uninsured. Look at this. That is the census figure. Look at this. Seventy-three million of our fellow citizens are without health insurance coverage at some point in this year—for at least 1 to 4 months. This is why the Americans who have health insurance know that they are a pink-slip away from losing it.

We have seen an explosion of part-time workers. Do you think they get health insurance coverage? Absolutely not; a fraction of them maybe, but a great majority don't. We see the whole movement away from the employer-based system to part-time work. That is what is happening out here across this country.

Under the Medicare bill, 3 million American retirees are going to be dropped and low-income seniors will pay under newer financial provisions. Premiums are going to be affected and 15 million seniors are going to be disadvantaged under current Medicare. That is the situation. This is the Medicare bill that was passed.

Look at what has happened. Here we have excess payment to HMOs of $46 billion and a $139 billion windfall profit to the drug companies. If you want to know where expenditures are, if you want to know what is costing more for the average taxpayers, we have given $139 billion over the next 8 years as windfall profits to the prescription drug industry, and we have given the HMOs $46 billion.

My fellow citizens, if you want to go out and invest in something, go out today and invest in HMOs and prescription drugs because we have guaranteed it.

Talk about small business—I wish small business had that kind of guarantees and Government payouts. Talk about competition, it doesn't exist in that Medicare bill. That is what the problem is. The drug industry is doing well and the HMOs are doing well but the average workers are not doing well.

Let us level with the American people about what the real debate is about in this Congress. Let us not distort and misrepresent the position of the opposition. I know the Republicans were against Social Security, I know they were against Medicare, and I know they were against a comprehensive prescription drug program that would have made a difference. We had a good one which actually got 76 votes. It was bipartisan. It was not this program.

But then the hand of the White House ruled and we have massive giveaways to the drug industry and to HMOs. That is why we see the increase—a failure of leadership on health care in the last 4 years, and the denial on the floor of the Senate to our Democratic leaders and to this party to do something about it.

We want to do something about it. We have a bipartisan bill to do something about it. Why, Mr. President, when you make those speeches out there in Michigan, why don't you call up the Republican leadership and do something about it?

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

HEALTH CARE

Mr. BENNETT. Mr. President, I came to the floor to speak on another subject, but after listening to the Senator from Massachusetts I want to try to respond to some of the comments he made.

There is no question that we have a health care crisis in this country. There is a great deal of disagreement as to why. There is no question that the issue is tremendously complicated and does not lend itself to a solution with a single silver bullet. I am interested at the suggestion that the silver bullet to solve the rising health care costs is to allow drug reimportation. We have had that suggestion made here this morning. I would like to talk about that for a moment.

The evidence is that drug importation or reimportation, whichever phrase you choose, does not, in fact, produce major savings, except on an anecdotal basis; that is, one senior here or there might receive a significant benefit but overall the benefit of importation is very limited.

A recent London School of Economics study shows that parallel trade in drugs in Europe where they have importation back and forth across the borders has resulted in a savings of less than 2 percent by consumers. A World Bank study found that parallel trade in Sweden cost consumers as much as it saved them after accounting for reshipping and repackaging costs as well as profits for the traders.

So to stand here and say, whatever the decibel level, that we can somehow solve the problem if we just adopt the reimportation legislation that is being proposed is to go in the face of previous experience. I would be willing to adopt this just to prove the point if there were not a downside connected with it that our friends on the Democratic side do not talk about.

I have a sister-in-law who is a very aggressive shopper. She is a senior. She is very familiar with the Internet. She makes sure she gets the best deal in every circumstance. She takes prescription drugs and gets on the Internet and discovers that she can find a price cheaper on the Internet, if she buys overseas, than the price she can get at her local druggist.

She came to me and asked: Bob, is this a good idea? Now, I am not one of your constituents. I don't want a political answer. I am your sister-in-law who is trying to save money, and I want the truth. Is this a good idea for me to get my prescription drugs in Canada where the prices are so much lower?

I said to her: Based on what I know, if you get on a bus or a plane and drive to Canada and walk into a Canadian drugstore and buy the goods over the counter, chances are you will get reliable drugs at a lower price, and that will be the thing for you to do. On the other hand, if you get on the Internet and order these drugs to be shipped to you across national boundaries, there is no guarantee whatever that the drugs you will get will be the drugs you think you are getting.

Indeed, if we are going to talk anecdotal evidence, as we have been in the Senate, there are plenty of examples of people who have gotten on the Internet, gone to a Web site that appears to be in Canada, purchased drugs in Canada at a lower cost, and said to themselves: Aren't I a hero for being able to lower my drug costs so much.

Then when the drugs arrived, they found that while they may have been transshipped from Canada, they were produced in Bangladesh or Nigeria or wherever else in the world. There is absolutely no guarantee the drugs they are buying at such attractive lower prices are, in fact, the drugs that are outlined on the label of the bottle or box they receive.

Indeed, one of the interesting things that has started to happen is not only are we seeing degradation of the quality and accuracy of drugs being shipped across borders as a result of Internet sales, the Canadians themselves are beginning to lose control of the quality in their pharmacies. There are so many different sources of drugs now available that even within the network of drug distribution points within Canada, they cannot be sure of the purity and state of their drugs.

I am interested that there are those in the Senate who have said the drug companies are making enormous profits, and all we need to do is cut out those profits, lower the price of drugs, and everything will be fine, and at the same time they are insisting we have to have more research. What has lowered the cost of health care on a per person basis? It is the introduction of new wonder drugs. Where did the new wonder drugs come from? They do not come out of the air. They do not come as a result of Federal legislation. We cannot pass a bill in the Senate that says there will be a new drug that will solve this, that, or the other problem. Drugs come as a result of research.

We talk about the profits of the drug companies. I am not here to carry any water for the drug companies, but I have been a businessman long enough to know that profits that show up on a balance sheet or a profit-and-loss statement do not automatically go immediately into the pockets of the Donald Trumps and the Warren Buffetts of the world. Profits get retained in companies. There is an accounting term for it called retained earnings.

What do companies do with those retained earnings? They invest them in research. It takes roughly $1 billion to determine whether a new idea for a drug will produce a drug that works. A company has to have enough financial strength that it can put $1 billion into research to produce one drug.

That is expensive enough. You can spend millions of dollars on a drug that does not work before you know it is not going to work. So the amount of profits they will make on the drugs that do work not only have to recover the cost that it took for the drug that does work, but it has to recover the millions again and again for the drugs that do not work.

To suggest there is a silver bullet to the rising health care costs, and that the silver bullet can be found in beating up the drug companies and buying drugs from Canada, is to demonstrate vast ignorance of the way the free market really works.

Let me make, again, the standard statement that I make over and over in the campaign. I am not questioning the patriotism of my friends across the aisle. I am questioning their wisdom and their judgment and their decisions, but I am not questioning their patriotism. We hear that over and over again.

Finally, we hear the drug benefit that was passed in this body denigrated again and again on the Democratic side of the aisle, the do-nothing program, the program that did not do anything for senior citizens, and the cry that has gone out to the point that I find many of my constituents believe this program is so complicated that nobody can figure it out, and nobody can get any benefit from it.

Senator HATCH and I put together a series of town meetings across our State. We gathered seniors. We said: Here is how it works. We walked them through how to get on the Internet and order drugs. Then we said: If this is too complicated for you, you are not Internet friendly. Get your grandchild to get on the Internet, and they can make it work. If you do not have a grandchild who can make it work, call 1–800–Medicare, and the person who answers the phone will get on the Internet for you and make it work.

We took seniors out of the audience, asked what drugs they are currently taking, then, on the Internet, we checked it. They came back and said: We are going to save 45 to 50 percent of our drug costs, and this was easy. This was simple.

Talk about misleading the American people. Those who stand in the Senate at a high decibel rate attacking this bill are misleading the American people. Senator HATCH and I found with our constituents this program is easy to deal with. It will save up to half of your drug costs right now, and it is the law. You do not have to wait for an election or for an eruption to have this come to pass.

I hope my friends on the other side of the aisle will not be offended when I disagree with them when they say: The President has lied. The President has misled. That is election year rhetoric that we should learn to ignore, and spend our time on the reality, which is this Congress, under this President, has, in fact, done significant things. And if we will just level with the American people as to what we have done, they will find that it is easy to navigate, and it will produce significant financial benefit.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Utah. His comments are right on. When I have an hour or two I will be happy to explain my strenuous opposition to this issue of importation of pharmaceuticals from countries that can very much harm our patients in America.

ANTI-JEWISH SENTIMENT IN EUROPE

Mr. SANTORUM. Today, as I come forward—and Senator BROWNBACK will be joining me in a few minutes—as we enter into Rosh Hashanah, the Jewish new year, a time of reflection for the Jewish people, I thought it would be appropriate to reflect upon the state of affairs with respect to Jewry around the world and the frightening rise in anti-Semitism we have seen in many parts of the world, and I argue, unfortunately, even in this country.

Senator BROWNBACK will talk about a different aspect than I, and there will be some speakers tomorrow morning during morning business who will cover various other aspects of this problem.

An area I have been particularly concerned about is the rise of anti-Semitism in Europe. As we know, the roots of anti-Semitism in various parts of Europe are very deep, and we have seen the horrific consequences of that within the last century. It is important, as a result, to keep a very close, watchful eye on any precursors to what could be another tragic, horrific situation occurring on that continent.

There is a rabbi, Chief Rabbi Jonathan Sacks, who said—and this quote, to me, is quite telling—''Let it not be said of us that we saw the tiny flame but did not put it out until it became a raging fire.'' I think that is one of our duties and responsibilities as the leader of the free world, in our diplomatic bodies around the world and through diplomatic channels country to country, to use our good offices in America to make sure we are watchful, and we do more than just watch idly, to call attention to situations which are of concern to us as freedom-loving people and as people who put first among our freedoms the freedom of conscience.

The freedom of religion is the fundamental and first of our freedoms because all freedoms flow from that. If you do not have the freedom to believe what you want to believe, then freedom of speech is a meaningless freedom, freedom of assembly is a meaningless freedom. So this is the first of the freedoms, and it is one that we believe, as Americans, very strongly.

We believe, as the President says, that liberty, that basic freedom is the right of all people given by God. Yet we see, in Europe in particular, a growing and rising tension in the world, in that continent.

I submit for the RECORD recent incidents of anti-Semitism in Europe, just in this year, the year 2004. I will go through and pick one incident from each of the countries I will talk about. Unfortunately, on this list—which is about 5 pages long—almost half of the incidents occurred in France. I have had meetings with the French Ambassador on this issue and expressed concerns about religious freedom and expressed concerns, via correspondence and meetings, about anti-Semitism. Yet this is a growing problem in this region of the world. But it is not only in France.

This first example is of a situation in France. This is a situation where we have the World War II memorial to Jewish soldiers in Lyon, where you have swastikas painted on the memorial.

You have instance after instance—and I think there are, as I said, 5½ pages of this document that I will be submitting for the RECORD—talking about anti-Semitic activity, whether it is graffiti or turning over tombstones, destroying graves, whether it is vandalism of synagogues, or whether it is assaults on Jewish children, particularly in school and coming from religious schools. We are seeing it more and more and more.

We need to understand this is not a problem that will go away if we ignore it. This is a problem which we have to speak up on and bring attention to.

In Belgium, four Jewish teenagers, all students from the same school in an Antwerp suburb, were attacked by a group of 15 men. One of the Jewish students was stabbed in the back and seriously injured. Again, an attack, in this case, by ''youth of Arab origin.''

In the Czech Republic, some 80 tombstones were overturned in a Jewish cemetery in Hranice in the east of the Czech Republic.

In Austria, a Holocaust memorial was desecrated, with the word ''lie'' spray painted over a historical plaque. This memorial near Vienna is at the site of a former concentration camp.

In Germany, in Dusseldorf, vandals sprayed swastikas and SS symbols on at least 40 gravestones at a Jewish cemetery.

In Hungary, a Jewish cemetery in northern Hungary was vandalized. More than 90 gravestones were smashed only weeks after the cemetery had been renovated by the local town council to mark the 60th anniversary of the Holocaust.

In Moldova, vandals threw Molotov cocktails at the synagogue in Tiraspol.

In Poland, in Krakow, police discovered the desecration of a 19th century synagogue. Vandals had painted swastikas on a Star of David hanging from gallows on the Tempel Synagogue.

In Romania, the wall of a Jewish cemetery in northwestern Romania was smeared with swastikas as well as anti-Semitic and fascist slogans.

In Russia, there were several instances of vandalism and an explosion in Debent that shattered several windows in a synagogue in the southern region of Dagestan.

In Ukraine, more than 50 gravestones were vandalized in a Jewish cemetery.

In Great Britain, the British rabbi—I will put up another quote from him—said, ''Jews wait anxiously for the next news of a synagogue vandalized, a cemetery desecrated, a Jewish school set on fire, Jews attacked in the streets.''

In London, only a couple months ago, there was an arson attack on a London area synagogue, destroying religious books, including some that had been smuggled out by Jewish refugees fleeing the Nazis. A burning rag was thrown into the South Tottenham United Synagogue.

In Birmingham, just last month, 60 Jewish gravestones were destroyed in a cemetery.

We can go on and on and on.

Mr. President, I ask unanimous consent the full text of this document be printed in the RECORD.

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

RECENT INCIDENTS OF ANTI-SEMITISM IN EUROPE (2004)

AUSTRIA

June 1, 2004.—Villach.—A memorial honoring Holocaust victims in southern Austria, consisting of 17 glass plates engraved with the names of 108 local Holocaust victims, was smashed. The memorial, which was created in 1999, was previously damaged by vandals in March 2003.

January 18, 2004.—Hinterbruehl—A Holocaust memorial was desecrated, with the word ''lie'' spray painted over a historical plaque. The memorial near Vienna is at the site of a former concentration camp.

BELGIUM

July 1, 2004.—Antwerp—In separate incidents, two Jewish men were attacked in the Antwerp area. A Jewish cyclist in Berchem had stones and bottles thrown at him by a group of 15 youths. He escaped injury. In the second attack, a young Jewish man was found bleeding on the street. His attacker was described as ''Eastern European origin.'' No arrests have been made.

June 24, 2004.—Antwerp—Four Jewish teenagers, all students from the same school in an Antwerp suburb, were attacked by a group of 15 men described by authorities as ''youth of Arab origin.'' One of the Jewish students, who was stabbed in the back, was seriously injured with a punctured lung. In response to the attack, ADL wrote to the Belgian Ambassador urging an investigation.

CZECH REPUBLIC

August 10, 2004.—Hranice—Some 80 tombstones were overturned at the Jewish cemetery in Hranice in the east of the Czech Republic.

FRANCE

August 26, 2004.—Paris—The director of the main public library, the Bibliotheque Publique d'Information, announced that anti-Semitic inscriptions were found stamped into a dozen books about the Dreyfus case and legal issues. The vandals stamped the edge of the books with the words ''Against the Jewish Mafia and Jewish Racism'' with the addresses of a Holocaust denial and Islamic propaganda Web sites.

August 14, 2004.—Paris—Anti-Semitic graffiti, including a sign saying ''death to Jews'' and a swastika, was found scrawled on a wall on the grounds of Notre Dame Cathedral. Police are investigating.

August 9, 2004.—Lyon—Some 60 gravestones were vandalized with swastikas in a Jewish cemetery in Lyon in southeastern France. On August 15, a 24-year-old man turned himself in to Paris police and admitted to desecrating the graves in Lyon. He did not appear to have links to far-right groups and told investigators that he was inspired by a television documentary about American racist groups. A state prosecutor said that the man was inspired by a hatred of Arabs.

July 28, 2004.—Saverne—Thirty-two tombstones were vandalized with swastikas, Stars of David and satanic ''666'' symbols in a Jewish cemetery in the Alsatian town of Saverne, north of Strasbourg. The vandalism was discovered by a family member visiting the cemetery.

June 11, 2004.—Rivesaltes—A Holocaust-era mural painted by Jewish children in a transit camp who were being held before being sent to Nazi death camps, was discovered vandalized in southwestern France. A historian visiting the site, where 4,500 Jews and Gypsies were held, found that the mural had been chiseled off the wall. According to The Independent, in 1942, a Swiss nurse at the camp asked the children to paint a Swiss landscape on the infirmary wall. The painting was discovered in 1999 and was to become the central exhibition of a Holocaust museum at the Rivesaltes transit camp. Half of the inmates of the transit camp, including 400 children, were later killed in Auschwitz. French government officials condemned the incident, and the Interior Minister promised that the mural would be restored.

June 4, 2004.—Epinay-sur-Seine—A 17-year-old Jewish student was stabbed by a man with a knife shouting ''Allahu Aqbar'' (G-d is great in Arabic). The student was leaving a Jewish school in the northern Parisian suburbs. The attacker tried to hurt two other students with a screwdriver. The student was in serious, but not critical condition. President Jacques Chirac condemned the attack and the French Interior Minister, Dominque de Villepin, visited the scene.

May 30, 2004.—Boulogne-Billancourt—A 17-year-old Jewish youth was attacked outside his home in a Paris suburb by a group of young men yelling anti-Semitic slogans. The youth is the son of a local rabbi. President Jacques Chirac condemned the attack.

May 7, 2004.—Villier-le-Bel—A small explosive device was discovered outside a synagogue north of Paris. According to media reports, the bomb was in a bag with the writing ''Boom anti-Jews'' and a swastika. On May 14, an 18-year-old man was found guilty of putting the fake bombs on the grounds of the synagogue and was sentenced to two months in prison.

May 6/7, 2004.—Verdun—A memorial to Jewish soldiers who died in the Battle of Verdun was vandalized. Nazi slogans and symbols were scrawled on the memorial. The Battle of Verdun was fought between French and German armies near the northern French city in 1916.

May 4, 2004.—Paris—In the suburb of Cretiel, a rabbi and his young son were attacked on their way home from Friday night services.

April 29/30, 2004.—Colmar—A Jewish cemetery in the Alsace region in eastern France was vandalized. At least 127 headstones were spray painted with swastikas and anti-Semitic statements. The cemetery dates back to the 18th century. The attack was condemned by numerous French officials, including President Jacques Chirac.

April 4, 2004.—Valenciennes—A synagogue in northern France was defaced with neo-Nazi slogans, including swastikas, and ''One people, one empire, one leader, 59 years, sieg heil.'' The 59 is believed to be a reference to the 59 years since the death of Nazi dictator Adolf Hitler.

March 23, 2004.—Toulon—A Jewish synagogue and community center was set on fire. According to media reports, the arsonist broke a window and threw a Molotov cocktail into the building. There was minor damage and no injuries.

January 23, 2004.—Villiers-au-Bois—Two gravestones marked with Stars of David were damaged in the World War I cemetery of Villiers-au-Bois near the English Channel coast.

January 20, 2004.—Strasbourg—A parked minibus used to transport children to a Jewish school in the eastern French city of Strasbourg was burned. Police are investigating the attack as an arson.

January 20, 2004.—Strasbourg—Police reported that a group of assailants hurled stones at the door of a Strasbourg synagogue.

January 20, 2004.—Paris—A Jewish teenager was injured in an attack by Muslim youths at an ice-skating rink. The youths shouted anti-Semitic insults at the 15-year old boy before kicking him in the head and jaw with ice skates.

GERMANY

August 15, 2004.—Berlin—A Jewish monument was smeared with a swastika. Police are investigating.

July 22, 2004.—Hagen—A fifteen-year old boy, along with two others, threatened visitors to a synagogue with a knife, and made anti-Semitic remarks. The visitors were leaving the synagogue at around 7 p.m. when they were confronted by the boys.

June 25, 2004.—Dusseldorf—Vandals sprayed swastikas and SS symbols on at least 40 gravestones at a Jewish cemerty.

HUNGARY

July 21, 2004.—Debrecen—Vandals defaced a Holocaust memorial with swastikas in the eastern Hungarian city of Debrecen. Police are investigating.

July 1, 2004.—Gyongyos—A Jewish cemetery in northern Hungary was vandalized. More than 90 gravestones were smashed just weeks after the cemetery had been renovated by the local town council to mark the 60th anniversary of the Holocaust.

MOLDOVA/TRANSDNIESTRIAN REPUBLIC

May 5, 2004.—Tiraspol—Vandals threw Molotov cocktails at the synagogue in Tiraspol.

POLAND

June 13, 2004.—Krakow—Police discovered the desecration of a 19th century synagogue. Vandals had painted swastikas and a Star of David hanging from gallows on the Tempel Synagogue.

ROMANIA

August 20, 2004.—Cluj—The wall of a Jewish cemetery in northwestern Romania was smeared with swastikas as well as anti-Semitic and fascist slogans.

RUSSIA

April 15/16, 2004.—Pyatigorsk—Fourteen tombstones were vandalized in a Jewish cemetery. The cemetery had been previously attacked in June 2003.

March 29, 2004.—St. Petersburg—The city's only kosher restaurant had its windows broken by vandals.

February 15, 2004.—St. Petersburg—Vandals desecrated about 50 graves in a Jewish cemetery, painting swastikas and anti-Semitic graffiti on headstones. Police are investigating.

January 27, 2004.—Derbent—An explosion shattered several windows in a synagogue in Derbent in the the southern region of Dagestan.

UKRAINE

May 23, 2004.—Kiev—More than 50 gravestones were vandalized in a Jewish cemetery. According to the chief rabbi of Kiev, headstones were broken and heavy old stones were thrown about. Ukrainian Interior Ministry spokesman Viktor Korchinsky denied any acts of vandalism, saying the graves were destroyed ''all by themselves, because they were too old.''

March 23/24, 2004.—Odessa—Vandals broke several windows of the Osipova Street Synagogue. No one was injured.

UNITED KINGDOM

August 21/22, 2004.—Birmingham—Sixty Jewish gravestones were destroyed in the Witton cemetery. Community officials reported that stickers with the logo of the neo-Nazi National Front were found on some of the stones.

June 18, 2004.—London—A ''suspicious fire'' damaged the synagogue and headquarters of Aish Ha Torah, a Jewish educational group, in Hendon. Two Torah scrolls were torn and desecrated in the attack and the synagogue and offices suffered serious smoke damage.

June 17, 2004.—London—An arson attack on a London area synagogue destroyed religious books, including some that had been smuggled out by Jewish refugees fleeing the Nazis. A burning rag was thrown into the south Tottenham United Synagogue.

Mr. SANTORUM. But what we see here is a very troubling trend in an area of the world which has been, unfortunately, a hotbed for this kind of behavior which has led to horrific consequences. We have an obligation, particularly in this region of the world, to point out to the governments of those countries the importance of making sure that religious liberty is respected, and religious liberty of all faiths, but in particular any kind of rise or any kind of motion toward a return to a horrific time in the world's history.

This is one of the reasons I wanted to get up and talk today. I think it is important that we bring attention to this issue, as well as the broader issue of anti-Semitism.

Later, we will hear people talk about the acceptance—it is almost incredible to believe—the acceptance of anti-Semitic behavior at our colleges and universities here in the United States of America, as well as a whole host of problems.

Mr. President, I see my time is up. I know the Senator from Kansas is here. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from Pennsylvania for addressing the topic of anti-Semitism and anti-Israelism expanding in the world. I have comments to add to this issue as well.

This is a disheartening development that is taking place. We are seeing it. It is being documented. I say to my colleagues, if they are interested, I have ''The Rise of Anti-Israelism & Anti-Semitism,'' by Dr. Gary Tobin, Dr. Alexander Karp, and others. It is a good 2, 2½ inches thick, documenting what is taking place in the world today. It is full of pictures and leaflets that are being distributed. Some of them are ghastly to look at. I do not want to show them on the Senate floor because they are so dark and evil and diabolical. But I think it is something for people to be able to see the documentation.

When I first heard about this developing, I said this can't really take place now. We are 60 years out from Auschwitz. That is close enough. People are still alive who experienced this. Surely this does not happen in the world today. Yet it does. We need to identify it as evil and dark and wrong and castigate it and tell people this is wrong and stand up against it. And it is, unfortunately, well documented about what is taking place.

I particularly thank my colleague Senator VOINOVICH for his tireless work in promoting the Global Anti-Semitism Review Act of 2004 and pushing to identify and get at the roots of the issue.

In his book titled ''Never Again? The Threat of the New Anti-Semitism,'' National Director of the Anti-Defamation League, Abraham Foxman, likens anti-Semitism to a disease. He says:

> Like many diseases, it spreads from person to person. It can be inherited—not genetically, of course, but through the malign impact of a bigoted adult on his or her children and grandchildren. It can lie dormant within an individual, sowing symptoms only in times of stress. And at times when a community is vulnerable, it can spread rapidly, causing an outbreak that is equivalent to an epidemic.

We cannot tolerate further spread of this epidemic. Many of us here associate anti-Semitism with the hatred of Jews that hit Europe in the 1930s and escalated to the genocidal measures of Adolph Hitler and the Nazis. However, as President Bush stated in a recent speech:

> . . . Anti-Semitism is not a problem of the past; the hatred of Jews did not die in a Berlin bunker. . . . The demonization of Israel, the most extreme anti-Zionist rhetoric can be a flimsy cover for anti-Semitism, and contribute to an atmosphere of fear in which synagogues are desecrated, people are slandered, [and] folks are threatened. . . .

This hatred of Israel and her people continues, endorsed and propagated by many states and their leaders.

In a time when we are concerned about terrorism and security, some might question the need to focus on a problem like anti-Semitism. The issues of terrorism and anti-Semitism are inseparably married, wedded by their intolerable hatred of Israel and Jews. They are joined together by their disgust for defenders of peace and democracy. The eerie and lasting relationship of state-sponsored terrorism and state-sponsored anti-Semitism is destroying hope of peace for future generations.

In the book I just referenced, the authors state:

> Terrorism has clearly been chosen and relied upon as a primary tactic by the world's most vehement anti-Israelists and anti-Semites: despotic Arab dictatorships. Syria, Iran, Saudi Arabia, and Palestine are all led by those who have chosen to use fear and terror to weaken Israeli resolve.

In the State Department's Pattern of Global Terrorism report released in 2001, it certifies that:

> Iran's involvement in terrorist-related activities remained focused on support for groups opposed to Israel and peace between Israel and its neighbors. . . . Supreme Leader Khamenei continued to refer to Israel as a 'cancerous tumor' that must be removed. . . .

The most recent report states that:

> During 2003, Iran maintained a high-profile role in encouraging anti-Israeli activity, both rhetorically and operationally. . . . Iran provided Lebanese Hizballah and Palestinian rejectionist groups—notably Hamas, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command—with funding, safe-haven, training, and weapons.

That is from our own State Department.

In Foxman's book, he reiterates the trend of state-sponsored terrorism taking a more religious approach:

> So today, thanks to the propaganda of a number of fundamentalist Islamic clerics, supported by Arab leaders in many countries, the Arab-Israeli conflict has been transformed from a nationalist struggle into a religious one. When Palestinian suicide bombers go out on their deadly missions, they wrap themselves not in the banner of the Palestinian Authority but in the green and white flag of Islam. When terrorists record videotapes to inspire their followers and frighten their opponents, they don't talk about demands for land or autonomy, they talk about religious martyrdom and about their wish to kill Jews.

We are living in a critical period of history. The war for civilization—and our very way of life—is being fought not only in Baghdad and Kabul, but it is being fought in Jerusalem a well, and has been for a long time. This battle pits democracy against totalitarianism. It pits freedom against subjugation. It pits a culture that values life against a culture willing to throw it away with neither remorse nor regret.

While the global war on terror is our common cause now, peace and reconciliation are our actual objectives. Through time immemorial, the people of Israel have simply sought and taught of peace; of a time when swords would be beaten into plowshares; and children would be taught of war no

more. When the lion would lay down with the lamb and there would be no more tears. Yet today we are beset with hostilities. Nations are embracing terrorism. Hatreds exist without reason.

Peace and truth go together. We must speak of peace with all who embrace peace and speak the truth about those who do not. Evil must be identified for what it is and once exposed to the sunlight of the truth, will waken, whither and fall. Terrorism and anti-Semitism are evil and must be rejected by all civilized people and every nation. Terrorism is practiced on the innocent and anti-Semitism on the vulnerable, and they are tools of dark souls. Those that employ these means must be confronted and renounced by all humanity.

Let us call on Syria and Iran, Sudan and North Korea to embrace the nobility of their heritage and renounce terrorism and anti-Semitism. Immunity from the wrath of hatred is impossible, but inoculation from the spread of this disease to future generations is both possible and necessary.

I yield the floor.

Mr. REID. Mr. 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.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4567, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

Pending:

Nelson (FL) Amendment No. 3607, to provide funds for the American Red Cross.

Corzine Amendment No. 3619, to appropriate an additional $100,000,000 to enhance the security of chemical plants.

Mikulski Amendment No. 3624, to increase the amount appropriated for firefighter assistance grants.

Kennedy Amendment No. 3626, to require the President to provide to Congress a copy of the Scowcroft Commission report on improving the capabilities of the United States intelligence community.

Dayton Amendment No. 3629, to ensure the continuation of benefits for certain individuals providing security services for Federal buildings.

Mr. COCHRAN. Mr. President, the Senate has made progress on this bill. We hope to continue to consider amendments during the remainder of the session today. The leader would like us to complete action on this bill tonight. I hope we can achieve that goal. If we can't, we can go into the next day and try to complete action before noon on Wednesday. But we hope we can complete action today. We urge Senators who have amendments, suggestions for changes in the bill, to come to the floor. We will consider those amendments and deal with them in an orderly way. We hope we can reject most of them. There are some we can agree to.

I see my good friend from Connecticut is on the floor and has an amendment. I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to lay the pending amendment aside.

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

AMENDMENT NO. 3630

Mr. DODD. Mr. President, I send an amendment on behalf of myself and Senator SPECTER to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. SPECTER, Mr. HARKIN, Mr. LEVIN, Mr. SARBANES, Mr. KENNEDY, Mr. DASCHLE, and Mr. SCHUMER, proposes an amendment numbered 3630.

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

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

The amendment is as follows:

(Purpose: To increase the amount provided for fire department staffing assistance grants; and to provide offsets)

On page 21, between lines 20 and 21, insert the following:

FIRE DEPARTMENT STAFFING ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a), to remain available until September 30, 2006, $100,000,000: *Provided*, That not to exceed 5 percent of this amount shall be available for program administration: *Provided, further*, That the amount appropriated by title I under the heading ''OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT'' is hereby reduced by $70,000,000, the amount appropriated by title IV under the heading ''INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION MANAGEMENT AND ADMINISTRATION'' is hereby reduced by $20,000,000, and the amount appropriated by title IV under the heading ''SCIENCE AND TECHNOLOGY MANAGEMENT AND ADMINISTRATION'' is hereby reduced by $10,000,000.

Mr. DODD. Mr. President, I am offering this amendment dealing with the SAFER Act. This is the No. 1 priority of the various firefighting organizations of the United States, whether they be paid firefighters, volunteer firefighters, fire chiefs organizations, and others. On behalf of Senators SPECTER, LEVIN, HARKIN, KENNEDY, SARBANES, DASCHLE, SCHUMER, and myself, we offer this important amendment.

I want to take a few minutes, with the full recognition that my friend and colleague from Mississippi wants to move matters along. I will take as little time as I can to explain this amendment and what we are trying to do, why I think it is a worthwhile amendment, how we pay for it, and why I don't feel that the offset we are suggesting here in any way would be detrimental to the Department of Homeland Security.

Our amendment will help the 33,000 fire departments across America—paid departments, volunteer departments, and combination departments. It will help them acquire the necessary personnel they need in order to fight fires and respond to situations all across the country, particularly terrorist incidents and other large-scale emergencies that may emerge.

Just yesterday, I spent a couple of hours with the fire department of Enfield, CT. I went out on one of the calls—a traffic accident. It turned out not to be a serious emergency, but the first vehicles to actually respond to the situation were the fire departments of Enfield. That happens every single day in this country. I think one firehouse in Enfield—one of five—has some 1,200 calls they respond to each year, to give you an idea of the magnitude of emergencies these departments are called upon to respond to every day of the year, all hours of the day and night.

Mr. President, this amendment is the single most important legislative priority of the International Association of Firefighters. It is also strongly supported by the International Association of Fire Chiefs and the National Volunteer Fire Council. If our colleagues support firefighters—and I know many, if not all, do—this is an opportunity to support bipartisan legislation that will make a huge difference in the personnel area of a fire department.

In particular, this amendment provides $100 million for the SAFER Act, which stands for Staffing for Adequate Fire and Emergency Response. It was enacted last year with significant bipartisan support as part of the fiscal year 2004 Department of Defense Authorization Act. In fact, the lead sponsors at that time were Senator WARNER of Virginia, Chairman of the Senate Armed Services Committee, along with Senators SARBANES, DASCHLE, SNOWE, CLINTON, CORZINE, DURBIN, JOHNSON, KERRY, LANDRIEU, MURRAY, REED, and SCHUMER.

The House of Representatives also has championed very similar, if not exact, legislation. It has been supported by the Chairman of the House Science Committee, SHERWOOD BOEHLERT of New York; Republican Congressman CURT WELDON, a tremendous champion of firefighters for many

years; along with House minority whip STENY HOYER, and Representative BILL PASCRELL, a strong advocate of firefighters.

The $100 million our amendment provides is fully offset by reductions in management and administrative expenses in title I and title IV of the underlying bill. Even with these offsets, the accounts that will be affected will still receive an increase over last year's funding levels.

After all, this debate is fundamentally about priorities. Senator SPECTER and I strongly believe the need for additional firefighters on our Nation's streets far outweighs the need for increased resources devoted to administration and management in Washington, DC.

If I can, I will explain how this offset works because I know my good friend from Mississippi will want to address this. I know that my friend from Mississippi has a very difficult job trying to put a bill together that is balanced. I respect him immensely for having to wrestle with these important issues. Certainly, I would have supported a larger 302(b) allocation for homeland security, but that is a debate for another day.

Nevertheless, Senator SPECTER and I have chosen these offsets with a great deal of care. In no instance do they cut programs below last year's levels. They don't affect the intelligence community in any way. If anything, our offsets will respect the increases in the underlying bill but grant smaller increases. In addition, these offsets are from increases to administrative and management accounts. We believe it is more important to place new firefighters on the streets than new managers and administrators in Washington. I will mention specifically what we are doing.

The Office of the Undersecretary for Management in Title I, for example, received a significant increase in this bill over last year's level. Last year, we funded it at $130 million. This year, the Senate bill provides an increase to $245 million for the same office. That is an 88-percent increase over last year! If our amendment is adopted, the Office of the Under Secretary of Management would still receive a 35-percent increase over last year's bill.

It seems to me that if we were gutting the Office for Undersecretary for Management and making it impossible for it to operate, others could argue we don't have a good case. But in order to help put 75,000 new firefighters on the street over the next seven years, I think is a fair tradeoff.

Under title IV of the bill, the $30 million we offset only comes from management and administrative expenses. By the way, with that cut we are talking about, we still leave the level under title IV higher than what is in the House-passed bill.

We don't believe these offsets we found are in any way damaging to the underlying bill. They still allow for substantial increases in management and administrative costs, as well as leaving title IV in the same position it would be funded at in the House-passed legislation.

You don't have to take our word on the importance of the legislation and the need for increasing the number of people we have in our fire departments. The U.S. Fire Administration—not the firefighters, not the fire chiefs, but U.S. Fire Administration—and National Fire Protection Association found that fire departments throughout the Nation, rural America and urban America, lack sufficient personnel to adequately protect the public.

These concerns were echoed last year in the Council on Foreign Relations report, authored by our former colleague Warren Rudman. The report was entitled ''Emergency Responders: Drastically Underfunded, Drastically Underprepared.'' It noted that ''only 10 percent of fire departments in the United States have the personnel . . . to respond to a building collapse.'' It also found that ''two-thirds of our fire departments do not meet the consensus fire standard from minimum safe staffing levels,'' which is at least four firefighters per truck at the scene of an emergency.

If our colleagues are not concerned about these findings, they ought to be concerned about the Rudman report's conclusion. It said:

> If the Nation does not take immediate steps to better identify and address the needs of emergency first responders, the next terrorist incident could have an even more devastating impact than the September 11 attacks.

On Saturday our Nation commemorated the third anniversary of that tragic day three years ago. No American citizen will ever forget—no citizen in the world, for that matter, could ever forget—the heroism of the firefighters who were among the first on the scene that day and who charged the stairs, while everybody else was running out of these buildings.

Those 343 members of the New York Fire Department made the ultimate sacrifice that day in their efforts to save thousands of lives trapped in the World Trade Center.

After September 11, of course, we realized that firefighters face new and profound challenges. No longer do they just fight fires, promote safety, and inspect fire code violations. Firefighters still have those traditional responsibilities, but they are now called upon to do far more. They are now asked to respond to the threat of biological, chemical, and even nuclear terrorism. In other words, they are asked to confront what once seemed unthinkable on American soil. It is, therefore, not an exaggeration to say that the Nation's firefighters are now literally on the front lines of the war on terror, protecting our Nation from the very clear and present danger of future terrorist attacks.

In the past, the Congress has come to the aid of America's firefighters. We have provided substantial funds for the FIRE Act Grant Program, which I also authored with my good friend Senator DEWINE of Ohio. FIRE Act grants have enabled fire departments, large and small, paid and volunteer, to purchase the necessary equipment and train firefighters. That assistance allows them to do a better job. In Enfield, CT, yesterday, I saw exactly the kind of equipment that can be purchased with a fire grant proposal. It has made a huge difference to that one department in a relatively small community in my home State of Connecticut.

While training and equipment are extremely important, they are meaningless, obviously, without the personnel needed to take advantage of it. After all, what good is a new breathing apparatus if there is no firefighter to use it? What good is new protective clothing if there is no firefighter to wear it? What good are new firetrucks if there are no firefighters to drive them? What good are new portable radios if there are no firefighters to communicate with each other?

We cannot lose sight of the human side of this important issue. It takes significant manpower to rush into burning houses and buildings, to save the life of a child, deliver emergency medical services and respond to an incident involving a chemical or biological agent. It is, therefore, this shortfall in firefighter staffing that this bipartisan, fully offset amendment that I am offering with Senator SPECTER and others addresses.

The manpower situation was not always this dire. Yet over the past two decades the number of firefighters as a percentage of the U.S. workforce has declined considerably. I am going to put up a chart that lays out exactly what has happened. This chart will give us a clear understanding of the problems that exist.

Only 11 percent of fire departments can handle, with local personnel, a building collapse with 50 occupants or more in it. That means 89 percent of our departments cannot respond to that. Only 13 percent of fire departments can handle a hazardous material incident with chemical or biological agents and 10 injuries. Again, 87 percent cannot respond to this in an adequate way. Forty percent of fire department personnel involved in hazardous material response lack formal training in these duties, and 60 to 75 percent of fire departments do not have enough fire stations to achieve widely used response time guidelines. That gives some idea just in a brief synopsis of how serious the problems are across our country as far as the lack of personnel.

In 1983, for example, there was 1 firefighter for every 212 of our citizens. In the year 2000, there was only 1 firefighter for every 260 Americans. To put it another way, the number of firefighters has declined by almost 20 percent, nearly one-fifth, over the last two

decades. In fact, we have fewer firefighters per capita than nurses and police officers.

The amendment I am offering with our colleagues, if it is approved today, will hopefully begin to reverse this disquieting trend. In fact, the fire chief at Enfield, CT, told me that when he joined the department, there was a waiting list in order to get on the fire department. Today they are out every single day seeking to find people who will make this a career choice. In fact, they are understaffed at that particular station house.

As to our volunteer departments across the country, particularly in rural America, the days when people would be able to serve in a volunteer fire department and work in the town they lived in is diminishing. More and more people are choosing to live in rural environments and work someplace else, and they are unable to be volunteer firefighters in the home communities. Thus, the number of hired personnel becomes more important. In rural and urban America, the problem is the same.

These numbers I have just cited have recently been exacerbated by the fact that many firefighters have been called to active duty in the National Guard or Army Reserves. According to a recent survey, the smallest fire departments are disproportionately affected by the call-up of military personnel, and I note the presence of the Presiding Officer who comes from the State of Wyoming, where again a lot of small rural communities have been disproportionately affected by the call-ups and are feeling it in a very significant way. We are told that these departments are the least able to absorb the loss of trained staff and will stand to benefit from assistance made available under this amendment.

Finally, making matters worse for the fire services are the budget crises that State and local governments are enduring. This amendment is not suggesting that this ought to be a permanent program where we assume the responsibility of paying for the personnel at local fire departments across America; it is saying that the U.S. Government ought to be a better partner. Just as we have been doing with the COPS program, we can be so doing with our fire departments—not at the same level, not even close to the same level—but being a better partner to help get this on the right track again. Then hopefully, as our economy improves, our State and local governments will take over the responsibility.

Over the next 5 or 6 years, stretching this out, not trying to do it in 1 year, we can make a real difference in putting some people on the ground who can make a difference and save lives in this country.

Across our Nation today, firefighter staffing is being cut, and fire stations are being closed because of State and local budget shortfalls. These events are occurring at the same time that threats to our Nation by terrorism are placing unprecedented demands on the Nation's fire services.

I need not remind our colleagues this morning that we are currently spending billions of America's tax dollars to reconstruct Iraq. Some of those very funds are being spent to hire and train Iraqi firefighters and build fire stations in that nation. If we can find the resources to hire firefighters and renovate fire stations in Iraq, I do not think it is outrageous at all to suggest that we might find some resources to make a difference in hiring some people to protect our own communities in this great Nation of ours.

Again, I want to emphasize that our amendment is fully paid for, with reductions in management and administrative expenditures, by allowing for an increase of 35 percent in those areas, reducing the increase from 88 to 35 percent, and still by allowing under title 4 the amount for administrative and management expenditures at levels above those included in the House-passed bill.

It also has the endorsement of every major firefighter organization in this country. This is their No. 1 bill. This is their No. 1 priority. If we are going to go back home and talk about the importance of homeland security and doing a better job, standing up for these men and women who put their lives on the line every single day for our country, then it seems to me the very least we can do is see to it that they have the necessary personnel to do the job, and that is what we are asking for with this amendment.

America's firefighters are always the first ones in and the last ones out. They risk their own lives to save the lives of others. They stare danger in the face every single day because they know they have a duty to fulfill. On the third anniversary of the September 11 attacks, where 343 firefighters lost their lives doing just that, first ones in and last out, I believe there is no better way for us to commemorate September 11 and recognize the contribution of those individuals than to respond to the very organizations who represented them, who have asked us to do a bit better under this bill to see to it that our firefighters have the necessary personnel they need in order to do their job.

I thought I had already done this, but if not, I ask unanimous consent that Senator CLINTON of New York be added as a cosponsor of this amendment.

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

Mr. DODD. At the conclusion of these remarks, I ask unanimous consent that the letter of full endorsement of the Dodd-Specter amendment by Harold Schaitberger, general president of the International Association of Fire Fighters, be printed in the RECORD. I have mentioned already where the fire chiefs are on this issue. I also ask unanimous consent that the letter from Chief Robert DiPoli, who is the president of the International Association of Fire Chiefs, of full endorsement of this legislation as well be printed in the RECORD at the conclusion of my remarks.

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

(See exhibits 1 and 2.)

This is their priority. This is their opportunity. I need not waste a lot more time talking about this. I am sure my colleagues understand its importance. I hope on one of these amendments, a bipartisan amendment, our colleagues would see fit to be supportive of this amendment.

I yield the floor.

EXHIBIT 1

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS,
Washington, DC, September 9, 2004.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of our nation's more than 265,000 professional fire fighters, I am writing to urge your support for the Dodd-Specter amendment to the Homeland Security Appropriation (HR 4567) to provide $100 million for a fire fighter staffing initiative. The amendment is fully offset, and enjoys bipartisan support.

As you know, Congress last year enacted the SAFER Fire Fighters Act to address the critical staffing shortage in both career and volunteer fire departments nationwide. While other federal programs, such as the FIRE Act, have provided funding for fire fighter training and equipment, no federal assistance is currently being provided to ensure that fire departments have adequate personnel to take advantage of these resources.

Studies conducted by FEMA, the Council on Foreign Relations, and other organizations have consistently found that fire departments throughout the nation lack sufficient personnel to adequately protect the public. The SAFER Fire Fighters Act addresses this need by providing temporary matching funds to enable fire departments to hire additional fire fighters, and providing grants for the recruitment and retention of volunteer fire fighters.

Thank you for your consideration, and your continued support of America's fire fighters. If you have any questions about this issue, please feel free to contact Barry Kasinitz, IAFF Director of Governmental Affairs, at 202–824–1581.

Sincerely,

HAROLD A. SCHAITBERGER,
General President.

EXHIBIT 2

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS,
Fairfax, VA, September 13, 2004.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the nation's fire chiefs, I urge you to vote for the Dodd-Specter Amendment to the homeland security appropriations bill. This amendment would fund the Staffing for Adequate Fire and Emergency Response Firefighters Act of 2004 (the ''SAFER Act'') at $100 million in Fiscal Year 2004 (FY05).

Established in 1873, the International Association of Fire Chiefs (IAFC) is a powerful network of more than 12,000 chief fire and emergency officers. Our members lead fire departments in responding to structural and wildland fires, hazardous materials incidents (including chemical, biological, radiological, and nuclear events), technical rescues (including swiftwater rescues, confined-space

rescues, and auto extrication, among others), and emergency medical situations.

The SAFER Act would go along way toward ensuring the safety of the public—and firefighters—during each of these emergency events. Large numbers of fire departments respond with an inadequate number of personnel. National Fire Protection Association (NFPA) Standard 1710 requires that, at a minimum, four members of a fire or emergency medical services company respond to an event. Often, however, more personnel are needed. In initiating a complete attack on a structural fire, for example, four firefighters are needed to meet OSHA's ''Two In/Two Out'' rule of having two firefighters inside the building and two outside, in case those inside need to be rescued. An incident commander is also required, along with a firefighter operating the water pump and one person ventilating the building.

Congress authorized the SAFER Act to grant federal funds to local communities to hire more firefighters. Grants would be awarded on the basis of need through a competitive, peer-reviewed process modeled after the highly successful Assistance to Firefighters Grant Program, which assists fire departments in funding much-needed equipment and training. The grants would be for a four-year period and must not exceed a total of $100,000 per firefighter. They require communities to match the grant (at 10, 20, 50 and 70 percent in years one through four of the grant, respectively, to phase down local government dependence on the federal government). Recipients would be required to retain new hires for at least one year following the conclusion of federal funding.

Because volunteer firefighters are such an important part of America's fire service, SAFER contains a specific provision to make sure that 10 percent of the appropriated funds are used for departments with majority volunteer or all volunteer personnel. In addition, at least 10 percent of the total appropriated funds must be used to recruit and retain volunteer firefighters.

Please vote for the Dodd-Specter Amendment to fund SAFER in FY05.

Sincerely,

Chief, ROBERT A. DIPOLI,
President.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate very much the offering of the amendment by the Senator from Connecticut. We oppose the amendment, and I have some very persuasive comments I am going to make on that subject. But before I proceed to do so, the Senator from New York has indicated an interest in offering an amendment and describing it to the Senate. I am happy to withhold my discussion of the Dodd amendment.

I ask unanimous consent, if the Senator has no objection, to set aside his amendment temporarily so the Senator from New York can offer her amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from New York.

Mrs. CLINTON. Mr. President, I appreciate very much the courtesy of my friend and colleague. I know, though, that the Senator from Connecticut is still on the floor. Perhaps he would want to hear the immediate response from the chairman of the Homeland Security Appropriations Subcommittee. So given that, if it is appropriate, I ask unanimous consent I be permitted to follow Senator COCHRAN, upon the conclusion of his response to Senator DODD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the bill we presented to the committee—and the committee approved it and referred it to the Senate for its consideration—has been very carefully crafted, analyzing the needs of the Department. We conducted a lot of hearings. We have been in consultation with the administration, the officials at the Department who are administering these programs, trying to make sure that, across the board, we are utilizing the funds that are available to us to get the maximum amount of benefit, in the most efficient way possible, to identify the critical and emergency needs we have, and to try to address those in a way that helps guarantee the safety and security of our homeland.

This is an important and very challenging task for the Senate. We appreciate the fact there are going to be differences of opinion and there are going to be suggestions made to increase this account or that account, reducing the funding for another, and that is what the Senator has proposed: that we add money for firefighter grants; that we take away money from other accounts in the bill, administration accounts. It is an easy vote to add money for a popular program. That is the easiest thing that we can do as a Representative or a Senator.

I am not suggesting the amendment is offered just because it calls for an easy vote, because this amendment suggests not only adding money for a popular program, but it also offsets by cutting funds for some that may not be as popular or as well known or understood as well as the firefighter program.

We all know firefighters. We know what they do. We know how heroically they performed on 9/11, and how much we depend on them every day. So we want to be sure they are well funded, that they have the training they need and the equipment they need, so we want to be generous.

That is why I point out at the outset that Senator FRIST and Senator BYRD, the former chairman of the full committee, the ranking Democrat on this subcommittee, and I joined in offering an amendment early in the consideration of this bill to increase firefighter assistance to $750 million. The bill now contains the level of funding that was included in last year's appropriations act for these purposes.

If you look at the history of funding of these programs, the firefighter assistance grants alone have received over $2.1 billion in funding since fiscal year 2002.

This does not reflect the resources that have been made available for fire departments through the basic State grant program or from State and local government support. They have, after all, the initial responsibility for these activities.

The amendment suggests offsets that we cannot afford to take. We are going to put at risk the Department of Homeland Security's initiatives in many areas if these offsets are approved in this amendment. For example, the suggestion of the Senator from Connecticut would reduce the Under Secretary for Management by $70 million, the Information Analysis and Infrastructure Protection Directorate's account by $20 million, and the Science and Technology Directorate's account by $10 million.

Buffer zone protection plans for critical infrastructure cannot be completed if the offset, cutting funds for the Infrastructure Protection Directorate, is approved. If the amendment is adopted, funding the Homeland Security Operations Center, which serves as the nerve center for sharing information across all levels of Government and the private sector, will be decimated.

In addition, the Homeland Security Information Network will not be able to provide threat information to State and local government entities as they are expected to do without the funds that are cut out of the bill by the Dodd amendment.

The management administration account, which is in the Science and Technology Directorate, provides the front line workers of the Directorate the funds for grants to university-based research facilities where many of the new technologies are being developed and designed, to more fully protect the safety and security of our homeland.

An immediate freeze is called for in all Federal hiring. The cut would decrease management administration accounts below last year's level, significantly and adversely affecting the number of employees in the Science and Technology Directorate.

The cut in funding could require a layoff of workers due to the reconfiguration and prioritization that is called for at that Directorate.

I am hopeful the Senate will carefully review the effect of this amendment, the damage that it would do to programs that are already underway that have to do with threat vulnerability programs that we cannot afford to abandon at this point. We want to work with the firefighter programs and make sure the grant programs are continued. They are generously funded in this bill, as I have pointed out, and they have been. We will continue to defend them, and we will work in conference to try to accommodate some of the concerns the Senator has mentioned in his excellent remarks.

For these and other reasons which I may state before we actually get to a vote on this amendment, I urge the Senate to vote against and reject the amendment proposed by Senator DODD.

Mr. DODD. If I may briefly respond, let me thank my colleague again. As I

said at the outset, he has a difficult job. Everyone has different ideas. I understand he has to balance all these.

If I may respectfully challenge what he said on the offsets, because this is a critical question and obviously we have to pay for these initiatives. We took money from two different titles in this bill, Title I and Title IV.

In Title I, which is where the bulk of the money would come from for the amendment, it would still leave an increase in the account of 35-percent over last year. The offset reduces it from an 88 percent increase that is in the underlying legislation.

I should mention at the outset, and I don't want to confuse our colleagues, that there are two separate proposals. One is the FIRE Act grant initiative, which the committee has been very supportive of, and I appreciate that. The bill has funding for $700 million for the FIRE Act grant program, which provides assistance for training and equipment. This amendment, however, is about personnel, which is a different issue. Our argument is that you can get a grant for new equipment, but it is meaningless if you don't have the personnel to do the job. That is why the SAFER bill is a top priority for the fire organizations.

Second, when it comes to the Title IV offsets, you still leave the administrative and management dollars at a level higher than what is in the House-passed bill.

So it is not bare-bones budgeting at all in this area. In those three categories, we are leaving more money than was in last year's budget, and at least as much as in the House-passed bill in either case.

We did it very carefully with the full knowledge that you don't want to be robbing Peter to pay Paul, as the expression goes, or cut into other critical areas. So by reducing across the board in these management areas, bringing them down to levels that still are above what they were previously, we think we have come up with a very balanced approach that deals with a very serious problem, and that is the 20-percent decline in the number of personnel that is affecting paid and volunteer departments across the country. It is a glaring problem that even the U.S. Fire Administration, aside from what firefighters and fire chiefs are saying, believes is absolutely critical.

Again, I thank my colleague from Mississippi for allowing me to bring up the amendment by having a unanimous consent to set aside pending amendments. If need be, Senator SPECTER may also want to share some comments before we finally vote on the matter. Would that be permissible?

I understand that at a later time another Senator wants to talk on this before we actually vote. Would that be permissible?

Mr. COCHRAN. Mr. President, if the Senator will yield, I think we have an opportunity for Senators to discuss these amendments out of order, if they would like. I don't think there would be any objection made to that.

Mr. DODD. I thank the Senator.

I yield the floor.

Mr. COCHRAN. Mr. President, knowing that the Senator from New York wishes to offer an amendment, I am not going to talk long. But I want to make one observation. We ought not to be getting into the business in the Senate of deciding for States and localities how they spend this grant money or how they spend the SAFER Act money. We need to have the flexibility to make those decisions with State and local governments. If we start telling a fire department they have to buy equipment with this amount of money, that they have to train people with this other amount of money, they have to equip trucks and vehicles with this amount, this amount is for that or the other, we are making a big mistake.

We are not the managers of these departments. We are not in the position to make the best decisions about how to efficiently use funds from Washington that will help our communities be safer and improve the quality of service provided by firefighters, law enforcement personnel, emergency management workers, or the rest. That is why the grant programs are broad and general. The States develop the plans for using the funds available to them from the Department of Homeland Security in many of these areas. It is the States and localities we ought to depend on to make the best decisions.

If we did what the Senator from Connecticut is suggesting we do, we would get into the business of making these departments allocate funds for one category or one specific activity or the other, and that is a big mistake. Adopting this amendment flies right in the face of the administrative policies that this Department is trying to develop and implement, and it is working to make our communities safer because we are leaving the decisions to those who are in the best position to know what is needed in their communities.

Do the firefighters need training in a certain area or another? I don't know the answer to that, if it applies to a fire department in my State. But the chief may know. He ought to know. He is in a better position to make the recommendations to the State officials as to what their needs are.

These people are applying for these funds. They are having to set out how they propose to use them. At other levels of administration, the decision is made to assign priorities and which ones have a higher priority than another.

That ought not to be made on the floor of the U.S. Senate. It is a mistake to get into the details as suggested by this amendment and take money away from activities that are ongoing, that are planned for this year, and then cut the funding for it. That is just going to make it more and more difficult to have a coherent, balanced approach to homeland security.

We hope the Senate will reject the amendment of the Senator from Connecticut.

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.

Mrs. CLINTON. 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. CLINTON. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 3631

Mrs. CLINTON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 3631.

Mrs. CLINTON. 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 as follows:

(Purpose: To require the Secretary of Homeland Security to allocate formula-based grants to State and local governments based on an assessment of threats and vulnerabilities and other factors that the Secretary considers appropriate, in accordance with the recommendation of the 9/11 Commission)

On page 19, line 21, insert '', which shall be allocated based on factors such as threat, vulnerability, population, population density, the presence of critical infrastructure, and other factors that the Secretary considers appropriate,'' after ''grants''.

Mrs. CLINTON. Mr. President, I again appreciate the courtesy of our chairman and colleague, the Senator from Mississippi. I also applaud him for taking on a heavy responsibility with respect to Homeland Security appropriations. I am going to be offering two amendments that I believe are necessary.

This first amendment is intended to do what every expert who has looked at homeland security has recommended and advised us to do.

Most recently, the 9/11 Commission reached the very same conclusion; that is, the Secretary of the Department of Homeland Security should allocate formula-based State and local homeland security grants on the basis of threats and vulnerabilities and other factors that the Secretary deems appropriate.

There are two major categories of grant money going from Washington out to the States and localities with respect to homeland security. One is called the State Homeland Security Grant Program. The other is the Law Enforcement Terrorism Prevention Grant Program.

As the Commission stated:

We understand the contention that every State and city needs to have some minimum

infrastructure for emergency response. But Federal homeland security assistance should not remain a program for general revenue sharing. It should supplement State and local resources based on the risks or vulnerability that merit additional support. Congress should not use this money as a pork barrel.

The Commission, as we know, made a number of recommendations, some of which are being considered in other bills. We will have reports from some of the committees working on intelligence reform and the like. But this is a recommendation that we can and should act on now while we are debating and considering Homeland Security funding.

Specifically, my amendment does not affect the State minimum in the bill. I would underscore that, because I know there are legitimate concerns on the part of my colleagues which I share.

I represent a very diverse State. We have a lot of rural areas. We have a lot of open space up in particularly the northern part of the State and the western part of the State. I know very well that every State has legitimate needs. My bill does not affect the State minimum. It states that the grant funds above the State minimum should be allocated based on factors such as threat, vulnerability, population, population density, the presence of critical infrastructure, and other factors that the Secretary considers appropriate.

In crafting this amendment, only the factors mentioned by the 9/11 Commission were included, no more and no less.

As my colleagues know, the 9/11 Commission recommended that an advisory committee be established to advise the Secretary on any additional factors that the Secretary of Homeland Security should consider, such as benchmarks for evaluating community homeland security needs. As the Commission stated in its report, ''the benchmarks will be imperfect and subjective, and they will continually evolve. But hard choices must be made. Those who would allocate money on a different basis should then defend their view of the national interest.

Not only did the 9/11 Commission recommend that such changes be made in how Federal homeland security funds are allocated, but so did the other commissions that we quote in the Senate all the time, commissions such as the Homeland Security Independent Task Force of the Council on Foreign Relations, chaired by former Senator Warren Rudman. In fact, every homeland security expert I have talked to has said that the way the administration has chosen to allocate funding beyond the PATRIOT Act minimum—in other words, the State minimum that everybody will get—to allocate the additional funding beyond the minimum, on a per capita basis, simply makes no sense other than—I grant this—political sense. In this area of homeland security, we must, as the 9/11 Commission urged us to do, leave our politics at the door.

This should be a debate about what is in the best interests of our entire country, every region, and particularly on the basis of those threats and vulnerabilities that place certain parts of our country at greater risk than others.

I am concerned because in the Senate report accompanying the bill that is now before the Senate, there is language that says Secretary Ridge must allocate funds beyond the all-State so-called PATRIOT minimum on a per capita basis. In other words, we are not even leaving it to chance. We are not even leaving it to the discretion of the Secretary. In the report language of this bill, we are directing, or certainly strongly urging, the Secretary to allocate that funding on a per capita basis. That is literally the antithesis of the September 11 report, the Rudman task force. It is also the antithesis of what we have heard time and time again from Secretary Ridge and even from President Bush and homeland security experts.

The Rudman task force unequivocally made clear that for the sake of homeland defense we must employ a better formula. Certainly, they reached the same conclusion as the 9/11 Commission. I am a little concerned we have report language in our Senate bill that goes so contrary to what everyone has said needs to be done.

We have talked many times about the need for a better formula, and we should continue to talk about it until we actually do something. But it is discouraging to talk and not act and, in fact, to continue to go in a different direction.

It is important when we make the decisions about this that we recognize—I am not just talking about New York or Washington, although they were specifically mentioned in the 9/11 Commission—there are other parts of our country that have critical infrastructure. For example, in southern Louisiana, we have a major port. We have offshore petroleum platforms. We have part of the Strategic Petroleum Reserve, river road crossing, facilities pumping natural gas.

Considering that complex critical infrastructure, I imagine the Secretary of Homeland Security might very well determine the State of Louisiana should get some extra threat-based funding in order to deal with what is a very real danger.

We have communities such as Lancaster County, PA. We think of that as the home of the Amish and beautiful rolling countryside, but it also has two nuclear powerplants within the borders of that county. There are only five counties in the entire country that are in that position. Again, I argue that should be taken into account.

None of this could be taken into account, however, if we follow the House bill or we follow the report language of the Senate bill and see where the Secretary is being directed to continue to distribute this money on a per capita basis.

In closing, with respect to this amendment, it is simply long past time that we conclude that we must do something on a threat basis, and in order to do that, we need to give direction to the Secretary. He and I have had many conversations about this. He has expressed to me on many occasions his desire to provide threat-based funding, but his belief is that his hands are tied, because we continue to send the message to him and to the entire country we are going to distribute this money on a per capita basis.

I ask that the pending amendment be laid aside.

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

AMENDMENT NO. 3632

Mrs. CLINTON. I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself and Mr. SCHUMER, proposes an amendment numbered 3632.

Mrs. CLINTON. 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 as follows:

(Purpose: To appropriate an additional $625,000,000 for discretionary grants for high-threat, high-density urban areas)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) It is the sense of the Senate that in allocating Urban Area Security Initiative funds to high-threat, high-density urban areas, the Secretary of Homeland Security should ensure that urban areas that face the greatest threat receive Urban Area Security Initiative resources commensurate with that threat.

(b) The amount appropriated to the Office of State and Local Government Coordination and Preparedness for the fiscal year ending September 30, 2005, for discretionary grants for use in high-threat, high-density urban areas under title III of this Act is increased by $625,000,000.

Mrs. CLINTON. In addition to my first amendment, which would provide the Secretary with the discretion to distribute money above the State minimum, above the so-called PATRIOT Act minimum on the basis of threat, Senator SCHUMER and I offer this amendment to provide an additional $625 million for high-threat urban areas. This is a separate category of funding in homeland security in addition to the other two I mentioned.

In this category, we know that the Secretary does have discretion, but what we have found is that over the last several years the discretion that he has felt obligated to exercise has meant less money going to more places as opposed to concentrating money on a threat analysis so we could really take care of the needs of particular areas and then move on down to take care of the needs of others.

Last week, when Secretary Ridge spoke at the National Press Club, he said:

I would tell you that we assess the level of terrorist threat outside of Washington and New York, which will always be at the top of the list. I mean, that's just a fact of life. . . . I'm not telling you anything [new]. It's not news.

New York City, for obvious reasons—the impact on the economy and al-Qaida has always talked about the disruption or the undermining of our national economy. It's not just the iconic nature of New York City. A lot of the stock exchanges, the financial services community drives not only our national economy but the international economy.

And Washington, D.C., the nation's capital, will always be targets.

The 9/11 Commission and all the commissions before it, President Bush, and Secretary Ridge have all acknowledged the acute homeland security needs of high-threat urban areas, especially New York and Washington.

I was delighted the recent Republican convention in New York went so well. Everyone seemed to have a great time in the greatest city in the world. The amount of work, the extraordinary expense of making it run so smoothly, was defrayed to some extent by Federal assistance, but to a large measure it reflected the ongoing investment that the people of the city of New York and the State of New York made in ensuring that we are always on high alert because, in fact, in New York City we are always on high alert.

Yet despite that, last year, the Department of Homeland Security allocated only $47 million to the New York City area under the high-threat program. They admit that was insufficient. Everyone who looked at it knows it is insufficient.

Our mayor has come forth with a very scrubbed list of immediate needs that is in the area of about $600 million just for New York City. That is why I am offering this amendment along with my colleague. I recognize Secretary Ridge has the authority to allocate high-threat resources in the way he deems appropriate. But, unfortunately, there is not enough money in the pot for him to do the job he knows needs to be done. So my amendment expresses the sense of the Senate that in allocating resources under the Urban Area Security Initiative, the Secretary should allocate commensurate with the threat these areas face.

Now, $47 million, which was the allocation last year to New York City, is a lot of money. But it pales in comparison to the $200 million the New York City Police Department alone spends on counterterrorism activities and the $1 billion in New York City's specific homeland security needs.

My guess is many of our guests at the Republican Convention enjoyed the city in part because the police presence was so pervasive and the reputation of our firefighters so well deserved for courage and bravery that it was not a matter you needed to think much about. You could get out and enjoy the city and go back and forth to hotels and go out for meals and maybe even go to the theater. I was thrilled by that. I am always very happy when people come to New York City.

But the very bottom line is, we are not getting adequate funding to be as prepared as we need to be. And other high-threat areas are also in the same position. I hope we are able to recognize these two amendments are real, commonsense amendments. They are aimed at making sure the money gets where it is most needed and at increasing the money that is specifically addressing high-threat urban areas. Because, unfortunately, we are playing a little bit of a shell game here. We are cutting money for first responders, which is why I strongly support the amendment from my colleague, the Senator from Connecticut.

We are expecting those firefighters and police officers and emergency responders and emergency room doctors and nurses and others to be ready when we need them. Hopefully, we will not need them, but they better be ready if we do need them. Yet we are cutting money for first responders. The omnibus Byrd amendment that we failed to pass in the Senate last week tried to address that. It is unfortunate we are taking money away with one hand while we are giving it back with the other. But what we are giving back does not make up for either what was lost or what is needed.

I hope we can address the continuing emergency needs when it comes to our first responders. There is nothing more important—I am told this all the time—than funding specifically for interoperable communications systems. Unfortunately, there is no money in this bill to help our first responders do that. This is something we have talked about now for 3 years. Our police and firefighters could not talk to each other in New York. This is a problem that happens all over the country. Yet we do not seem to address it.

Again, the 9/11 Commission came forward with a good recommendation:

[H]igh-risk urban areas such as New York City and Washington, D.C., should establish single corps units to ensure communications connectivity between and among civilian authorities, local first responders, and the National Guard. Federal funding of such units should be given high priority by Congress.

I hope we will do that before we finish this bill. I hope we can recognize that in most parts of our country that face these risks—whether it is a tourist attraction such as Las Vegas or a large melting-pot city as Los Angeles or, of course, other cities of similar size and population density—having interoperable communications among and between first responders is essential to being able to deal with both threat and reality.

We are on the lookout for potential terrorist activities and we need to be able to hope that all of our various law enforcement and firefighting responders and others are preventers as well as responders and are well equipped to do that. We can do the right thing by increasing the amount in the high-threat urban areas. If we put in the $625 million Senator SCHUMER and I are recommending in this amendment, we would bring the total appropriated amount to $1.5 billion. This is the amount I have been arguing for and fighting for in legislation I introduced back in January of this year. It is also in line with President Bush, according to his proposed fiscal year 2005 budget. In that budget, he called for $1,446,000,000 specifically for high-threat urban areas.

So again, everybody seems to be in sync except our Congress. I do not understand that. I find it bewildering that we have the administration proposing this amount of money, we have every expert proposing this amount of money, but when it comes to action on the floor of the Senate and the House, somehow we do not do it. I hope my colleagues will support both of my amendments. I hope they will go along with the 9/11 Commission report which has won broad bipartisan support. It is, apparently, the fastest selling paperback in the country. A lot of Americans are reading it, digesting it. It is not only a debate among experts and policy wonks and security gurus.

There is now a debate that is happening out in America. And it is a life-or-death debate. It goes to the heart of whether we are serious about homeland security, whether we are going to put our dollars where our words have been, whether we are going to get the results we need so we can feel confident we have done everything we know to do.

So I ask my colleagues for support of the two amendments I have offered today and, in keeping with the recommendations of the 9/11 Commission, to do so in a broad bipartisan way that sends a signal to not only our Nation but to any who wish us ill anywhere in the world that we are vigilant, we are prepared, we are doing all we humanly know to do to prevent and deter attacks and respond effectively should one occur.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 3631

Mr. COCHRAN. Mr. President, I am sure Senators are aware that the Governmental Affairs Committee of the Senate has jurisdiction over the legislative authority, the law, creating the Department of Homeland Security. In that, legislation grant programs are described, allocation formulas are contained, that give guidance to the distribution of Federal funds to States and localities for various programs.

The Senator from New York is suggesting, by her first amendment, that the appropriations bill that is before the Senate should be amended to change the way the grants are being given to States and localities. The Senate Governmental Affairs Committee has already addressed this issue. Hearings have been held. A review and consideration of various changes in the allocation process have all been reviewed. And the committee has acted.

They have reported out of the Senate Governmental Affairs Committee S. 1245. That is a Senate bill called the Homeland Security Grant Enhancement Act. The act, as reported by the committee, will modify the formula for distributing domestic preparedness grants.

If the Senate wants to take action as suggested by the Senator from New York, it can adopt that bill or amend it as may be suggested by the Senator from New York. That is the appropriate vehicle for revising first responder grant funding, not this appropriations bill. We are bound by the law. We are funding the programs authorized by the law. We are giving funds according to the priorities of that law. Every time we have an annual appropriations bill, we cannot change the way those formulas are written. That would be bad policy, bad practice, and it should not be followed in this instance on this issue.

Every State in the Nation is entitled to a base level of Federal support for homeland security needs. A State's size or population does not necessarily reflect the level of danger to a State's population or to a city's population. Each State has the responsibility to make decisions that are designed to protect the property and the lives of its citizens, and they must allocate State resources—and local resources may be allocated as well—to train, equip, and maintain qualified first responders for those purposes.

I believe the committee has done a very good job of analyzing and recognizing the needs of our larger and most threatened cities. In the fiscal year 2003 appropriations and the wartime supplemental, $850 million was set aside for high-threat urban discretionary grants. In fiscal year 2004, in the appropriations bill, a further $725 million was set aside for these high-threat urban areas. The bill now before the Senate contains $875 million dedicated to high-threat urban discretionary grants. Taken together, this is over $2.4 billion just for the urban areas of our country. This is on top of the basic grant each State receives.

The Department of Homeland Security has developed a model using classified information to allocate resources to major urban areas based on a combination of current threat estimates, critical assets within the urban area, as well as population density. The formula uses a combination of these factors to produce proportional resource allocations. Of the high-threat urban grant funding for fiscal year 2004, over $79 million has gone to communities in New York State. Since the inception of the Urban Area Security Initiative, over $316 million has been made available to cities in New York. These funds are in addition to the dollars that were received by the State of New York through the basic State grants.

In fiscal year 2004, more than $141 million in discretionary high-threat funding has been allocated to communities in California. Since the inception of the Urban Area Security Initiative, more than $247 million has been made available to the State of California. So the needs of our urban areas and the States with high population centers are already being addressed. But so, too, are those in other States of our great Nation.

We should not come in on this bill today with this amendment and change the formula for the basic State grant program. That debate should occur when the Senate considers the Governmental Affairs Committee bill, S. 1245, which is now on the calendar of the Senate.

I urge my colleagues to oppose the first amendment of the Senator from New York.

The second amendment the Senator has offered deals with Urban Area Security Initiative funding and suggests to the Senate that the amount available in the bill should be increased. In this bill, as in last year's appropriation, we have continued to provide funds specifically for the largest metropolitan areas that face the most risk. The Urban Area Security Initiative grant fund is distributed at the discretion of the Secretary of Homeland Security. I have mentioned that. It is based on current threat information and other factors. With the resources available, the bill makes the best use of these limited resources.

Let me make that point again. These are limited resources. This committee has been allocated a certain amount of money, around $32 billion, to provide funding for this next fiscal year for activities under the jurisdiction of the Department of Homeland Security and other agencies that are funded in this bill. With those limitations, choices have to be made. It would be good to be able to increase funding for all of the programs in this bill. They are all worthwhile programs or they would not be in the bill. They are all important activities. But at some point the committee has to make a decision. It has to say: This is the amount that is allocated for this next fiscal year for this particular account or program.

This bill includes $875 million for the Urban Area Security Initiative. Since fiscal year 2003, including the amount provided here, over $2.4 billion will have been made available for the Urban Area Security Initiative. The Senator's amendment would add an additional $625 million, almost doubling the Urban Area Security Initiative, to this grant program.

Because of the reasons I have cited, at the appropriate time, I will suggest that a point of order should lie against this amendment.

Next let me read another provision of the committee report which I think will explain why it is important for us to reject this amendment:

> The Committee is concerned with the administration of the funds available to assist the communities most in danger in the United States. The continued expansion of the cities eligible for this funding has the impact of diluting the resources that have been made available, shortchanging those communities with the most serious quantifiable threat. The Committee believes the Department achieved a more optimal use of the funds in fiscal year 2003. Further, the Committee believes the Department's practice over the past two fiscal years, to allocate the full amount appropriated for the program at one time near the beginning of the year, leaves the Department with little ability to respond to new or updated intelligence or recent terrorist threats. Consequently, the Committee recommends that at least 10 percent of the funds appropriated for the program be reserved to meet any needs over the course of the fiscal year warranted by more current threat information and intelligence. Any reserve funds remaining at the beginning of the last quarter of the fiscal year shall be released to fiscal year 2005 grant recipients as determined by the Secretary.

It is my hope that the Senate will reject both of the amendments offered by the Senator from New York.

The PRESIDING OFFICER. The senior Senator from New York.

AMENDMENT NO. 3632

Mr. SCHUMER. Mr. President, I rise in support of this amendment introduced by my colleague and friend, Senator CLINTON, and me. It doesn't take money away from anybody else. It simply increases the amount of money to the high-needs areas. There are lots of ways to skin this cat. It is clear that the areas most under threat, cities such as New York City, the No. 1 target, as we know, of the terrorists, need far more help than we get. I think there has been a general outcry by the 9/11 Commission and many others that it is so unfair to give, say, the State of Wyoming more on a per-capita basis than New York City gets in terms of terror. I don't doubt the need Wyoming has for dollars. But if Wyoming has the need for dollars, certainly New York has a greater need for dollars.

What we have done with this amendment, which is one way to do it, is to simply increase the high-needs area. It does not touch the general formula but, rather, goes to high needs.

Let me share a little history about this high-needs area. As you may know, when we first were setting up this formula, I spent a lot of time negotiating with the White House as to how we would allocate money. Then the point person for the White House was the Secretary of OMB, Mitch Daniels. We came to the conclusion that obviously every State needed some money. And knowing how the House and Senate work, we weren't going to get a formula which would send money to the 5 or 10 largest cities or the 5 or 10 largest focal points. So we negotiated the formula in two parts.

The first was the general formula, and there was a specific need for every State and taking care of those States. Now, the remainder of that formula, which we are not discussing now, was supposed to be allocated by discretion by the administration. They basically punted the ball and did that on a per capita basis.

I ask unanimous consent that I be given an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. I will not object. I have a unanimous consent request to make.

Mr. SCHUMER. I yield to the Senator for that purpose.

Mr. COCHRAN. Mr. President, I ask unanimous consent that at 2:20 today, the Senate proceed to a vote in relation to the Mikulski amendment No. 3624, with no amendments in order to the amendment prior to the vote; provided further that there be 2 minutes equally divided for debate prior to the vote.

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

Mr. REID. Mr. President, Senator SCHUMER has asked for 5 minutes and I have no objection to that. The other Senator from New York may wish additional time.

Mr. SCHUMER. Mr. President, I ask unanimous consent for 10 minutes.

Mr. COCHRAN. Mr. President, I have no objection.

Mr. REID. The Senator from New York wishes 5 minutes.

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

Mr. SCHUMER. Mr. President, we had the high-needs formula, which really didn't do justice to the areas that had the highest needs. We came up with this high-needs formula.

Frankly, the first year it worked quite well and quite fairly. The bottom line is that, of the high-needs allocation the first year, which I believe was $700 million, New York City, the city that has been the focus of both terrorist attacks, received $225 million. While still on a per capita basis, we were not getting what we thought was a fair share, it certainly came a lot closer.

But what has happened is two things. First, on the high-needs formula, other localities came in and asked for money. They said they are a high-needs area. The number of cities last year that were under the high-needs rubric expanded. The first year it was a handful, the next year it was 30, and last year it was 50. So now lots of localities are competing for this high-needs money. That is fine. I am not one to begrudge that. I think we are not doing enough on homeland security, and this is one place we should be spending more dollars.

We are not trying to take away money from the high-needs area. I remind my colleagues that the amendment we are offering will apply to a larger number of cities than first proposed. But the bottom line is very simple; that is, once the high-needs funding was spread among many cities, the cities of the greatest need, such as New York and Washington, did not get the dollars they needed. Over the last 3 years, the amount of money that New York City has received has shrunk and shrunk and shrunk. The bottom line is very simple: We are not getting what we need.

Let me talk about some of the needs in New York City. I live in Brooklyn, a proud Brooklynite. We have the Brooklyn Bridge, which crosses from Brooklyn to Manhattan. Every time I cross that bridge—usually by car and once in a while on a bicycle—there are two police officers at each end of the bridge. That bridge is guarded 24 hours a day, 7 days a week, as it must be. We picked up somebody in Ohio a few years ago who was intent on trying to destroy that bridge. Well, that is 20 police officers, because it is five shifts of four people. Multiply that by the number of bridges and tunnels comparable to the Brooklyn Bridge in New York and that shows you the magnitude of what we are doing.

It is the same thing with our firefighters and our emergency responders and our hospitals. All of them have had to do so much more because our city is at the epicenter more, quite frankly, than a hospital, police department, or a firefighting department in a middle-sized city in the middle of America, which doesn't have to do quite what we do. My guess is that bridges in Omaha, or Wichita, or Albuquerque are not guarded by two police officers at either end for 24 hours a day, 7 days a week; nor should they be. But they have to be in New York.

We will do everything we can to prevent another 9/11. Yet as we have gone further along, the amount of money New York City has been given has decreased. I know there are other cities that have needs. I worked hard to see that Buffalo was included in this formula, with $10 million. A few other cities in upstate New York have problems.

So there are only two ways to go about solving this problem. One is to rob Peter to pay Paul, to reallocate the funds that are there. That is not this amendment. We don't touch that. The other is to increase the high-needs funding, so the cities that are under the greatest threat and the greatest danger can at least be reimbursed in greater part. Certainly, we won't be made whole for the homeland security efforts that we must undertake.

We heard a few months ago, when we picked up the new intelligence, what the areas were they were focusing on: Washington, DC, and the New York City metropolitan area; five buildings, two in DC, two in Manhattan, and one in northern New Jersey. Again, we can bring home the need to focus that should be here. Yet we are not doing it.

Let me tell you, if you think we don't have the money, we are going to spend $416 billion on defense this year. We are only spending $33 billion on homeland security in toto. We are spending less than $2 billion on helping our first responders, on helping our localities that have worked so hard and so well to defend us from terrorism. It would seem to me that any fair allocation of dollars would be giving New York City more money, giving some of the other cities more money.

Let me go over the numbers. Last year, New York's share of high-needs areas dropped to 9 percent. We didn't receive 9 percent of the attacks. Thus far—and I hope there are no more anywhere in America—we received 100 percent of the two terrorist attacks that have occurred.

Our city, as I say, is struggling. We have needs like everybody else. We have a great police department, a great fire department, a great EMT department, and great hospitals. But they cannot do it alone. So it is my hope that our colleagues will rise to the occasion.

This money, as I say, will not just benefit New York but other cities of high needs throughout the country. Let's stop underfunding this very needed program. Let's stop saying let the other guy do it. In a time of terrorism, we need leadership. This amendment represents leadership, and I hope we can get the sufficient number of our colleagues on both sides of the aisle to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I rise to respond to some of the points made by the chairman of the subcommittee. I start by saying that as I understand the underlying legislation from the House, there is no language, either legislative or report, that addresses how the Secretary of the Department of Homeland Security should distribute the funding above the small State minimum.

The language that my amendment is addressing specifically appears in the report to the Senate bill. So I want everyone to understand that I agree every State should receive a minimum level of funding. I think that is not only politically necessary, it is appropriate and fair.

Based on the calculation of that funding, about 38 percent of all of the homeland security funding in the two biggest grant categories for the State homeland security grants and the terrorism prevention grants will go across the board on a per capita basis to all the States. So everybody will get a per capita basis that they can then use to meet their homeland security needs.

Now, the remaining 62 percent of the money is what my formula amendment is addressing. At the very least, the Senate should not be, in report language, recommending that the Department of Homeland Security also distribute the funding on a per capita basis. That runs absolutely counter to the recommendations of the 9/11 Commission. The 9/11 Commission said do away with small State minimums, do away with any kind of per capita funding, begin to distribute this money on the basis of risk and threat. Yet we get a committee recommendation from our Senate committee which basically recommends that the funds that are used consistent with each State's homeland security strategy are to be allocated on a per capita basis.

So it is not only that we are failing to change the formula to comply with the 9/11 Commission, we are directing the Department of Homeland Security not to comply with the 9/11 Commission.

I am not saying take the money away from all the States and direct it where it is most needed. I am not going the full place that the 9/11 Commission has set out for us. I am recognizing the political reality and the fairness of allocating money to every State. At the very least, let us not direct the Department of Homeland Security to distribute the money above the small State minimum on a per capita basis. So I hope we could remove that language, and my formula amendment would do that.

Secondly, we cannot wait for the Governmental Affairs Committee to come forward with their authorization. I stood on this floor months ago and said we needed to change the risk and threat analysis in order to distribute the money more effectively. The very effective chairwoman of that committee came down to the floor and said: We are working on a change of formula. Work with us. Let us get the authorization changed.

We have been waiting for that bill ever since. There is no authorization. The only opportunity we have to begin to try to focus our efforts on homeland security to address the kind of threats that we face is in this appropriations. In fact, the door has been opened because in this appropriations bill coming from the House, they talk about a PATRIOT Act minimum, and then the Senate committee goes one step forward and says above that minimum do not direct it any other way except per capita.

So I understand very well that everybody has to look out for his or her own State, but on this matter we have to put the money where the threat is, and the threat is in places such as New York and Washington. Every committee, every commission that has looked at this has come to the same conclusion.

So I look forward to working with the chairman to make it possible to distribute the money on a threat-based analysis as opposed to directing the Department to distribute the money above the small State minimum, 62 percent of the money, also on a per capita basis.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Mississippi.

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

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

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005—Continued

AMENDMENT NO. 3624

The PRESIDING OFFICER. There is 2 minutes evenly divided before proceeding to the vote on the amendment.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, at the appropriate time it will be my intention to make the point of order against the amendment, in that it violates the Budget Act because it provides for the appropriation of additional funds above the allocation of the amount available to this subcommittee and there is no offset provided in the amendment. So for the information of Senators, that is the intention of the managers of the bill.

Under the previous order, as I understand it, a vote is scheduled to occur at 2:20. Is that the order?

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. I thank the Chair and yield the floor.

Ms. MIKULSKI. Mr. President, what is the pending business before the Senate? Is it my amendment increasing firefighters funds?

The PRESIDING OFFICER. Pending before the Senate is the Senator's amendment.

Ms. MIKULSKI. As I understand it, I have 1 minute and then there will be a subsequent comment by the chairman of the subcommittee; is that correct?

The PRESIDING OFFICER. That is correct. The Senator from Maryland.

Ms. MIKULSKI. My amendment which is pending adds $150 million to the Fire Grant Program, bringing it to the authorized level of $900 million. This Fire Grant Program is peer-reviewed and merit based with no pork in it. It provides grants to local fire departments. The President requested $500 million, the chairman added another $200 million, then Senator FRIST added another $50 million on Friday, but I want to bring it up to the full $900 million. Why? This Fire Grant Program is the only program that really helps our firefighters have the equipment they need to protect themselves, as well as modern equipment.

Last year, the Fire Grant Program received $2.5 billion for its requests—20,000 worthy applications. I know we can't fund it at $2.5 billion, but we can fund it at the authorized level. Therefore, I urge adoption of my amendment. Let us protect the first responders so they can protect us.

I ask unanimous consent that letters of support from the National Volunteers Fire Council and the Congressional Fire Services Institute be printed in the RECORD.

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

NATIONAL VOLUNTEER FIRE COUNCIL,
Washington, DC, September 8, 2004.

Hon. BARBARA A. MIKULSKI,
Hart Senate Office Building, Washington, DC

DEAR SENATOR MIKULSKI: The National Volunteer Fire Council (NVFC) is a non-profit membership association representing the interests of the more than 800,000 members of America's volunteer fire, EMS, and rescue services. On behalf of our membership, I am writing to lend our full support for your amendment to the FY 2005 Homeland Security Appropriations Bill to fully fund the Assistance to Firefighters Grant program at the $900 million level.

As you know, the Assistance to Firefighters Grant program provides critical funding to our nation's 1.1 million firefighters, 75% of which are volunteers. The purpose of the program is to bring every fire department up to a base-line level of readiness—and keep them there. The program has proven to be the most effective program to date in directly providing local volunteer and career fire departments not only with the tools they need to perform their day-to-day duties, but it has also enhanced their ability to respond to large disasters as well. As we move to prepare for terrorist incidents at home, we must first ensure that local fire departments have the basic tools they need to do their jobs on a daily basis.

The program benefits our entire nation by providing local fire departments with much-needed training and equipment to respond to 21 million calls annually. These calls include structural fire suppression, emergency medical response, hazardous materials incidents, technical rescues, wildland fire protection, natural disasters and events of terrorism.

Once again, we strongly support your amendment to the FY 2005 Homeland Security Appropriations Bill and we thank you for your continued leadership and support of America's fire service. If you or your staff have any questions please feel free to contact Craig Sharman, NVFC Director of Government Relations.

Sincerely,

PHILIP C. STITTLEBURG,
Chairman.

CONGRESSIONAL FIRE SERVICES INSTITUTE,
Washington, DC, September 7, 2004.

Hon. BARBARA MIKULSKI,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR MIKULSKI: On behalf of the Congressional Fire Services Institute's National Advisory Committee comprised of 42 national fire and emergency organizations, I am writing to thank you for all your efforts, past and present, to preserve the Assistance to Firefighters Grant Program (AFGP), also known as the FIRE Act. As you know, the FIRE Act has been a critical program in our efforts to prepare America's firefighters to effectively respond to all emergencies. It is for this reason that I would like to commend you on your efforts to increase the funding allocation for the AFGP in the FY05 Homeland Security Appropriations Act to $900 million, the full amount authorized by Congress.

The purpose of the FIRE Act is to bring every fire department up to a base-line level of readiness—and keep them there. Too many fire departments in this country lack

even the most basic needs, including proper turn-out gear, communication systems, training, prevention, and public education programs. These facts are contained in the Needs Assessment of the U.S. Fire Service published by the United States Fire Administration in cooperation with the National Fire Protection Association. It revealed that many departments lack the basic tools and training they need to respond to over 21 million calls, annually—from daily incidents to major disasters, both deliberate acts and natural events. The all-hazards response enhancement provided by the FIRE Act ensures the most efficient and effective use of federal funding. It not only prepares departments to respond to acts of terrorism, it enhances the department's ability to respond to all other emergencies that occur thousands of times each day across our country.

The FIRE Act addresses another important mission of every fire department, one that often does not command the attention it deserves because of budgetary constraints: prevention and education. Over 3,000 people die in fires every year and over 20,000 people suffer injuries. We can reduce these figures with additional funds targeted at prevention and education programs. This would allow firefighters to spend time in their communities teaching children and others about fire prevention or conducting inspections of both occupied and abandoned buildings.

A growing challenge facing the fire service is urban sprawl. As construction increases in wildland/urban interface, fire departments face new challenges requiring additional resources and personnel. During the Southern California fires last October, the media reported the number of homes destroyed. Largely overlooked were the number of lives saved and homes protected because of the heroic actions taken by the fire service. Yet we cannot expect the fire service assigned to these areas to meet the public's expectations to safeguard their lives and property without adequate resources.

When reviewing the totality of a fire department's responsibilities, it is important to recognize that every function serves a vital role in fulfilling a fire department's mission, protecting lives and property. By design, the FIRE Act addresses the entire spectrum of education, prevention and response.

The FIRE Act is not about supplanting local fiduciary responsibilities; it's about supplementing efforts to protect this country's people, property, and economy. And because the fire service provides protection to so much of our nation's infrastructure, the federal government does indeed have a responsibility to support the mission of our first responders.

In the three years the FIRE Act has been in existence, it has become one of the most effective programs administered by the federal government. In January of 2003, officials from the U.S. Department of Agriculture selected the Fire Grant Program for a study they were conducting as part of a management training course. Summarizing the programs, they said that the grant program has been ''highly effective in increasing the safety and effectiveness of grant recipients.'' Their study found:

97% of program participants reported positive impact on their ability to handle fire and fire-related incidents.

Of those recipients receiving firefighting equipment, 99% indicated improvements in the safety of firefighters and 98% indicated improvements in operation capacity.

90% of the participants indicated that their department operated more efficiently and safely as a result of the training provided by the grant program.

Over 88% of the participants who were able to measure change at the time the survey was distributed reported improvement in the fitness and health of their firefighters as a result of the program and 86% indicated reduced injuries.

The FIRE Act plays a critical role in addressing the needs of over 30,000 fire departments and one million fire and rescue personnel. We thank you for your commitment to our nation's firefighters and this important program.

Sincerely,

STEVE EDWARDS,
Chairman, CFSI National Advisory Committee.

Mr. DORGAN. Mr. President, I support the Mikulski amendment because I think that it includes important funding for firefighter grants. The amendment includes $200 million for firefighter grants—the authorized level—so that we can increase the resources available for our first responders.

In its current form, this amendment does not include any offsetting reductions to pay for the new investments. If this amendment is adopted today—and I hope that it will be—I intend to work with the conferees to offset these increases by reducing funds that have been earmarked for Iraqi reconstruction. I believe these expenditures should be offset with these other spending cuts.

Iraq is a nation that sits on some of the largest oil reserves in the world. My view is that Iraq should pay for its own reconstruction.

Last year, this Congress acted in an expedited way to appropriate $18.4 billion for Iraqi reconstruction. And yet, 10 months later, most of that money is still unspent. Less than $1 billion has been actually expended and only about $7 billion has been obligated.

Therefore, I support Senator MIKULSKI's amendment. But my intention is to push for the rescission of those unobligated Iraqi reconstruction funds and use them to offset these needed security investments.

Mr. COCHRAN. Mr. President, the bill provides adequate funds—generous funding—for this program.

I make a point of order under section 302(f) that the amendment exceeds the subcommittee's allocation under section 302(b) of the Budget Act.

The PRESIDING OFFICER. A point of order has been raised.

Ms. MIKULSKI. I move to waive the point of order.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote ''no''.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The yeas and nays resulted—yeas 50, nays 45, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—50

Baucus	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Feingold	Murkowski
Bingaman	Feinstein	Murray
Bond	Graham (FL)	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Breaux	Hollings	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Collins	Kohl	Schumer
Conrad	Landrieu	Specter
Corzine	Lautenberg	Stabenow
Daschle	Leahy	Talent
Dayton	Levin	Wyden
Dodd	Lieberman	

NAYS—45

Alexander	Domenici	McCain
Allard	Ensign	McConnell
Allen	Enzi	Miller
Bennett	Fitzgerald	Nickles
Brownback	Frist	Roberts
Burns	Graham (SC)	Santorum
Chafee	Grassley	Sessions
Chambliss	Gregg	Shelby
Cochran	Hagel	Smith
Coleman	Hatch	Snowe
Cornyn	Hutchison	Stevens
Craig	Inhofe	Sununu
Crapo	Kyl	Thomas
DeWine	Lott	Voinovich
Dole	Lugar	Warner

NOT VOTING—5

Akaka	Campbell	Kerry
Bunning	Edwards	

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 45. 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, and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the point of order was sustained.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we are at a point now where we are hopeful we can begin disposing of amendments that have previously been offered and on which debate has occurred. They have been set aside so Senators can offer amendments on other subjects. We have at this time nine amendments that are in that situation: amendments offered by Senators NELSON, CORZINE, KENNEDY, DAYTON, DODD, CLINTON, and one by CLINTON and SCHUMER.

We are hopeful we can reach some understanding about a time to begin voting on these amendments. We do know there are a couple meetings that require Senators' attendance off the floor at this time, and that might be the situation until about 3:30. But I am hopeful the leaders on the other side

can consider entering into an understanding or an agreement that we will begin voting on these amendments at 3:30. So I say that for the information of Senators.

There is a markup session going on by the Senate Appropriations Committee. That may start at 3 o'clock. That is going to require the attendance of a good number of Senators. So for the information of Senators, we are hopeful we can begin a series of votes at about 3:30, dispose of the pending amendments, and then proceed to consider other amendments that Senators may wish to offer.

Mr. NELSON of Florida. Will the Senator yield?

Mr. COCHRAN. I am happy to yield to my friend from Florida.

Mr. NELSON of Florida. Perhaps the distinguished Senator from Mississippi—by the way, the third hurricane has a track that keeps getting closer and closer to the Mississippi gulf coast. But as the distinguished Senator, the chairman of the committee, and I have been talking about the emergency supplemental appropriations for hurricane damage, I have been provided with a copy of what will be the President's request for the new supplemental.

I note that it does include a lot of the agencies of Government about which this Senator has spoken that have desperate needs as a result of two hurricanes hitting back to back in Florida. I noticed there is nothing in here for the agricultural losses, including crop losses as well as equipment losses, of which the Florida commissioner of agriculture has written to the White House, to OMB, and said those losses are $2 billion. What would the advice of the chairman of the committee to this Florida Senator be of how we want to address that, since the President is not requesting in his new supplemental any money for agricultural losses?

Mr. COCHRAN. Mr. President, I appreciate the inquiry of the Senator from Florida. It is my understanding that the Department of Agriculture has existing authority under current law to provide assistance for agricultural purposes in areas where people have suffered disasters. It provides opportunities for haying and grazing on conservation lands. There are a wide range of emergency activities that can be undertaken under existing law.

When we reach a point at which there is a determination of exact dollar amounts of damage incurred by citrus growers or others who have been hurt by the storms in Florida, that may be a possible reason for an additional supplemental to be submitted whose benefits were not described in the submission that was received today. This is considered an emergency for the Federal Emergency Management Agency and others who are on the frontline of recovery, providing shelter, providing food, emergency items to protect life, debris removal, particularly areas where the debris poses a danger to life and limb.

This is the kind of supplemental, as I understand it, the President has submitted. We hope to be able to approve that and call it up. The Appropriations Committee is meeting this afternoon. Senator STEVENS, chairman of the committee, wants to take action on it as soon as possible. The House has to act on it as well. It may very well be that we will have a vehicle on which to go to conference with the House this week.

I am hopeful we can keep the President's request clean and approve the request, get the money to the agencies that need the funds, and look to these other issues as they mature in time, in the sense that there has been time to assess the damages and we know what they are and who is entitled to the benefits and what kind of benefits there are in agriculture.

But there is no doubt in my mind there will be a need for sensitive and generous assistance for agricultural producers which do not have any other benefits. We do have crop insurance. There are other things available to farmers under current law, and they will be able to receive these and be provided with deserved and well-needed benefits.

Mr. NELSON of Florida. Mr. President, if the distinguished Senator will yield for a further question.

Mr. COCHRAN. I am happy to yield to my friend.

Mr. NELSON of Florida. Indeed, I understand what the Senator is referring to. There are section 32 discretionary funds that would be, for example, available for Florida citrus growers. But it comes nowhere close to the estimated amount of losses in these two hurricanes for the citrus crop and equipment which is going to exceed $½ billion, just in itself. That is not even to speak of all the other kinds of crops—vegetables, sod, timber, milk that was dumped as a result of the dairies, all kinds of vegetables, tropical fruit, clams, oysters, poultry. Nurseries, Florida's top cash crop, has suffered $½ billion in losses.

My question is, there is buzzing out here an amendment that is being put together by midwestern Senators, Republican and Democratic, to take care of their agricultural problems. Yet they do not address the full need of Florida which has suffered back-to-back hurricane losses that have affected its agriculture.

What would be the advice of the Senator from Mississippi to the Florida Senators, when others are coming forth, and yet Florida's agricultural needs, after two disastrous hurricanes, are not being met?

Mr. COCHRAN. Mr. President, my advice to all Senators, including my good friend from Florida, is to try to work with the Appropriations Committee leadership. Senator STEVENS is chairing a meeting marking up individual appropriations bills this afternoon. The committee will be considering the request for supplemental appropriations submitted by the President that we just talked about. At that time, when we are considering the supplemental for disaster assistance, would be the time, in my view, when we could consider other hurricane damage that the Senator is discussing now. In my mind that would be a more appropriate vehicle for the Senators who are talking about midwestern agricultural needs as well.

I hope this annual appropriations bill for the Department of Homeland Security won't get held up with a debate over disaster assistance because of drought or other problems in other parts of the country. It is hard to say yes, let's have some funds included in the bill for those purposes, and then say no to those in our part of the country where we do know the needs are real. They are just as expensive, maybe much more so in reality, than the Midwestern problems.

I am hopeful that we can protect the integrity of the appropriations process and the integrity of the Homeland Security appropriations bill. Let's move this to completion, go to conference with the House, and, in an orderly, coherent way, fund the needs of the Department of Homeland Security to protect us from terrorist threats, other natural disasters such as the ones that are being addressed by the Federal Emergency Management Agency. Then in a separate action, let's consider disaster assistance for hurricane victims and drought victims and others in agriculture who have otherwise suffered serious losses this year.

Mr. NELSON of Florida. Did this Senator misunderstand the distinguished Senator from Mississippi in that the President's request for this hurricane relief that has happened on those two hurricanes was going to be or not going to be attached as an amendment to the Department of Homeland Security appropriations bill?

Mr. COCHRAN. I don't think that is a decision that has been made.

Mr. NELSON of Florida. I see.

Mr. COCHRAN. My expectation is that the committee leadership, in consultation with the leaders of the Senate, will make that decision at a later time. Today they are trying to mark up individual appropriations bills, and in due course they will take up the supplemental as well.

Mr. NELSON of Florida. Then I would say to the distinguished Senator from Mississippi, I was given to believe that, in fact, was a decision that was made, that this hurricane relief was going to be attached to this Homeland Security bill. I got that impression from the majority leader, Senator FRIST. If that decision has not been made then, fine.

Mr. COCHRAN. It may have been made and I just haven't heard about it. The Senator from Florida may be more up to date than I am. But I knew it was an option that was being considered and being discussed. I was not aware that the decision had definitely been made to do that.

Mr. NELSON of Florida. Then this Senator certainly would not have to encourage the quickening of the interests in all of this hurricane disaster assistance relief as this Senator speaks with the Senator from Mississippi, because right now Hurricane Ivan, a category 5 hurricane, is bearing down on the Mississippi coast. It could well be that we are looking at an additional hurricane emergency disaster relief supplemental that would directly affect the State represented by the distinguished Senator who is the chairman of the committee.

Mr. COCHRAN. Mr. President, the Senator is absolutely correct. It poses a real danger, not only to the people in that area but also to property. It is clear that the disaster relief fund of the Federal Emergency Management Agency, which we replenished just a few days ago to the tune of $2 billion, could run out of money again. I know the tendencies of this Congress to be that where there are needs like that, we will act to address them. At a time when that relief fund or any other account is depleted and hurricane victims need the attention of these agencies and the benefits to which they are entitled, we will act. I believe we will act promptly and with dispatch and with generosity to the fullest extent allowed under the law.

Mr. NELSON of Florida. Mr. President, is FEMA appropriated under the Appropriations subcommittee the Senator chairs?

Mr. COCHRAN. It is one of the agencies under the Department of Homeland Security, and it is covered in this annual appropriations bill.

Mr. NELSON of Florida. Then this Senator simply makes a recommendation that we should never be in an emergency posture like we were last week, where FEMA is not carrying the adequate reserves. On Thursday, they ran out of money and were, in fact, not spending the money that was desperately needed in the previous 5 days for hurricane relief. This Senator is merely making the recommendation that, as we look to FEMA appropriations in the future, there should be a cushion of reserves in FEMA because this country can face all kinds of disasters, as we know, and this year FEMA's budget was too lean to be able to respond.

Mr. COCHRAN. The Senator makes a point we should consider. I agree with that. It is awfully difficult for us to know the future or to be able to predict it and the needs of every agency of the Government, even FEMA. But we do the best we can and we will continue to work hard. Any advice or suggestions the Senators might have for the appropriate level of funding on an annual basis would be welcome.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3619, AS MODIFIED

Mr. CORZINE. I ask unanimous consent that I be allowed to modify amendment No. 3619 at the desk. The change is to allow for funding of the offset of the proposed amendment, regarding chemical security plants.

The PRESIDING OFFICER. Is the Senator asking that amendment be made pending at this time?

Mr. CORZINE. Yes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORZINE. Mr. President, I send the modified amendment to the desk.

The PRESIDING OFFICER. The amendment will be so modified, and it is now pending.

The amendment (No. 3619), as modified, is as follows:

On page 19, line 17, strike ''$2,845,081,000'' and all that follows through ''grants'' on page 20, line 11, and insert the following: ''$2,915,081,000, which shall be allocated as follows:

''(1) $970,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT Act (42 U.S.C. 3714): *Provided*, That the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 45 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 15 days after receipt of an application: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 60 days after the grant award; and

''(2) $1,270,000,000 for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security: *Provided*, That the amount under title I for the Human Resources Account of the Office of the Under Secretary for Management shall be reduced by $70,000,000: *Provided further*, That $150,000,000 shall be for port security grants; $15,000,000 shall be for trucking industry security grants; $10,000,000 shall be for intercity bus security grants; $150,000,000 shall be for rail and transit security grants; $70,000,000 shall be for enhancing the security of chemical plants''.

Mr. CORZINE. Mr. President, this amendment addresses one of the most serious security threats facing our Nation: the threat of terrorist attacks on chemical facilities. It is a subject I have worked on with a number of colleagues on both sides of the aisle over the last 3 years. It addresses an issue where there are literally thousands of chemical facilities across the country where a chemical release could expose tens of thousands of Americans to highly toxic gases.

I have tried to stress that there are 123 of these where more than a million people could be exposed. About eight of those are in New Jersey, so this is an intensely important subject matter for the community I represent. We need to change this.

While we are working today on the Department of Homeland Security appropriations, there is authorizing legislation working through the Environment and Public Works Committee that would deal with this problem. I want to be a constructive element in bringing that to a conclusion. We have a security problem now with our chemical plants. My modified amendment would provide $70 million to State and local governments in order to enhance the security of those chemical plants. Also, it includes that offset I mentioned, which is changed from the original version of the amendment.

This amendment only takes a modest first step by appropriating that money to these State and local efforts. Funds could be used, for example, to strengthen law enforcement's presence around chemical plants. When we go to Code Orange, the Department of Homeland Security requests that our local law enforcement provide additional security for these plants. It is not like they are not doing this already. That is overtime for additional individuals. Also, this money would go to train and prepare officials to respond to a terrorist attack. The release of a chemical toxic cloud is not like fighting a fire; it takes different kinds of actions. This amendment would provide some of that support. It would also provide guidance and assistance to plant managers. It would have the proper interface with State and local officials on how to respond and maybe even prevent attacks on chemical security plants.

As I said, the funds will be offset by eliminating funds for a new Department of Homeland Security performance pay system, and we will provide the resources that I think—at least looking at a tradeoff of how I see it in New Jersey, and I think it is the case across the country, since 123 plants expose more than a million people, it is a good tradeoff. It may be an important issue to get on with pay systems, but I don't understand how we trade that off versus the security of the individuals who surround the plants.

Remember, these plants were built in a different era, at a different time. They are very prominently located in densely populated areas in the country. We ought to do what we can to protect them. One of the ways is to provide these funds. That is what this amendment is about. I spoke about it at length the other day on the Senate floor. I believe very strongly that there are real reasons for us to pay attention to chemical plant security in this country. Every time the Department of Homeland Security raises the code level, they mention chemical plant security. It is in the Hart-Rudman report. It is in studies of the vulnerabilities of the critical infrastructure in this country. We ought to take special steps to make sure there is security at these plants. We would not tolerate the kind of security arrangement we have in chemical plants if

they were nuclear powerplants, and there are as many people exposed to these toxic exposures, if there were to be a terrorist attack, as there would be in many, if not most, nuclear powerplants, which are located in many different areas.

I hope my colleagues will realize this is an important consideration, a modest first step. It is paid for, and I believe we can make the American people a little bit more secure by adjusting where we are spending $70 million to provide for chemical plant security. I appreciate it, and I hope that it will be favorably considered by my colleagues.

Mr. 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.

Mr. COCHRAN. 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. COCHRAN. Mr. President, we are at a point now where we can announce to Senators our intention to proceed to votes on some of the amendments that are pending now. The amendment of the Senator from New Jersey, which he has modified, would be the first amendment we would consider. It would be the intention of this manager to move to table the Corzine amendment and get the yeas and nays, and then have a similar motion against the Dayton amendment No. 3629 and the Clinton/Schumer amendment No. 3632. We are advised that the Appropriations Committee is in meeting now and members may not be available until close to 4, but we could begin these votes at 3:45.

The distinguished assistant leader has assured us that is an agreement that is OK with the Democratic side of the aisle, and with that understanding, I will propound this unanimous consent request.

I ask unanimous consent that at 3:45 p.m. today, the Senate vote in relation to the following amendments in the order mentioned: Corzine No. 3619, as modified; Dayton No. 3629; Clinton No. 3632. I further ask unanimous consent that no amendments be in order to the amendments prior to those votes and that there be 2 minutes equally divided for debate prior to each of the votes, and finally that the second and third votes in the series be limited to 10 minutes each.

Mr. REID. No objection.

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

Mr. COCHRAN. I thank the distinguished leader and I thank all Senators for that agreement.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I direct a question through the Chair to the distinguished manager of the bill. On this side, we still have every intention to try to finish this bill tonight. Unless something comes up we do not know about, it is my understanding that the manager also feels the same way. So if people have amendments—for example, I talked to a couple of my Senators this afternoon and they said, well, we will do it later. Everyone should know later is here. We are now at that time. Later is right now. This would be an appropriate time for someone to come over and offer an amendment as we speak. We would set what is pending aside, lay that down. It is my understanding the manager of the bill wants to move through these pending amendments as quickly as possible. We have several amendments after we finish this block of votes that are still outstanding. That is going to get us into the evening time. So if people still have amendments they want to offer, they should get over here and do that.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator very much for his suggestions. He is absolutely right. We do intend to press on and try to complete action on this bill tonight. We would appreciate the cooperation of all Senators in that regard. We are going to try to get to the point where we can announce that we are definitely going to finish the bill tonight. That is our intention. We hope we can move forward with dispatch and determination to achieve that goal. We thank the distinguished Senator for his good assistance in that regard.

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

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

AMENDMENT NO. 3619, AS MODIFIED

Under the previous order, there are now 2 minutes equally divided on the Corzine amendment.

Mr. JEFFORDS. Mr. President, homeland security experts refer to chemical plants as ''pre-positioned weapons of mass destruction.'' Yet more than 3 years after the September 11 attacks, the Bush administration has done almost nothing to enhance the security of the estimated 15,000 chemical facilities in the United States.

I therefore support the amendment of Senator CORZINE to provide $100 million for State and local efforts to enhance the safety of communities around chemical plants. These funds are needed to allow for expanded law enforcement presence around plants, better training and preparation for first responders and local officials, and additional guidance for plant managers.

This is just a first step, however. Communities cannot do it alone. To truly enhance security, chemical sources must implement security plans that address their unique vulnerabilities. Some facilities have already made considerable improvements, such as repositioning storage tanks away from public roads and hiring more guards. Here in Washington, DC, the Blue Plains water treatment plant went one step further by switching from chlorine to bleach, thereby reducing the inherent hazards posed by their operations. Notwithstanding these improvements, numerous media and government reports continue to document significant security gaps at many facilities.

National legislation mandating federally enforceable minimum standards is long overdue. When I was chairman of the Environment and Public Works Committee, we unanimously passed Senator CORZINE's legislation out of committee. Bowing to pressure from the petroleum and chemical industries, the Bush administration put the brakes on this legislation. Now, almost 2 years later, we are still debating the issue.

We cannot afford to ignore the risks posed by chemical plants any longer. A terrorist attack at any one of the 15,000 chemical facilities nationwide would likely cause death or injury to the people in the surrounding communities. The chemical industry's own data indicates that, in a worst case release, toxic chemicals could threaten more than 1 million people at each of 123 facilities spread across 24 States. There are also more than 700 facilities from which a chemical release could threaten more than 100,000 residential neighbors.

This issue is too important to ignore or add at the last minute to another bill without adequate time for proper consideration. I have asked my staff to continue working in a tri-partisan fashion to develop legislation that can be adopted unanimously by the Senate. If such an agreement cannot be reached quickly, however, we should move stand-alone legislation to the floor for a full debate.

In the meantime, I urge my colleagues to support the amendment of Senator CORZINE to help communities surrounding chemical plants address the added security risks that these facilities pose. We should then quickly enact comprehensive chemical security legislation to supplement these community efforts and ensure that the chemical facilities themselves do their part to ensure the safety of our home towns.

Mr. COCHRAN. Has a motion to table the Corzine amendment been made?

The PRESIDING OFFICER. It cannot be made until the time is expired.

Mr. COCHRAN. Mr. President, the committee has recommended in this bill $193,673,000 for protective action activities, for developing and implementing protective programs for the Nation's critical infrastructures, including chemical facilities, Federal, State and local, and private sector activities and programs and best practices.

Nationwide, we have seen 2,040 chemical facilities complete vulnerability

assessments as developed by Sandia National Laboratories and the Center for Chemical Process Safety. The Department of Homeland Security has made considerable progress in increasing the security of chemical facilities across the country. Site visits are conducted at chemical facilities as part of a buffer zone protection plan. These plans reduce specific vulnerabilities and build a general protection capacity of communities. As part of the protective buffer zone effort, the protective security division has developed plans to install cameras to detect and deter surveillance and other threatening activities.

The Department has provided protective measures and risk management efforts on the sites of greatest concern. We are confident these are working to improve the safety and security of chemical facilities.

We urge the Senate to support the committee and vote to approve the motion to table the Corzine amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, this amendment addresses one of the most serious security threats we have in the Nation, the threat of terrorist attack on our chemical plants. There are literally thousands—not 230 but literally thousands—of plants that are exposed to more than 10,000 folks in the country; 123 plants expose a million people or more.

My amendment provides $70 million to State and local governments, particularly to focus on this issue of security of chemical plants. It includes an offset, as I mentioned a few minutes ago.

The facts speak loudly: We need to address chemical plants. Time and time again, there are reports where people can walk on to plants without there being any kind of protection and actually following through on a lot of the security plans that were talked about before.

There is a whole further authorization bill working its way through the Environment and Public Works Committee right now, which is a very bipartisan effort to try to get at this issue, but we need to do something now.

There are, as I said, literally thousands of plants across this country. We need to provide the support to State and local officials to be able to provide the security, the overtime, needed at these plants, and particularly when we raise our code levels. The lack of security at our chemical plants has been cited as one of the greatest threats to our infrastructure. We need to provide for training. We need to provide funds for guidance and assistance to plant managers and for other steps that State and local officials can take to prevent and respond to attacks on chemical plants.

I hope my colleagues will recognize we have a problem. We ought to be doing everything we can to support and protect the American people.

Mr. COCHRAN. Mr. President, I move to table the Corzine amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote ''yes''.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 47, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—48

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Burns	Graham (SC)	Sessions
Chafee	Grassley	Shelby
Chambliss	Gregg	Smith
Cochran	Hagel	Snowe
Coleman	Hatch	Stevens
Collins	Inhofe	Sununu
Cornyn	Kyl	Talent
Craig	Lott	Thomas
Crapo	Lugar	Voinovich
DeWine	McCain	Warner

NAYS—47

Baucus	Durbin	Lieberman
Bayh	Feingold	Lincoln
Biden	Feinstein	Mikulski
Bingaman	Graham (FL)	Murray
Boxer	Harkin	Nelson (FL)
Breaux	Hollings	Nelson (NE)
Byrd	Hutchison	Pryor
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Clinton	Johnson	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Specter
Dayton	Lautenberg	Stabenow
Dodd	Leahy	Wyden
Dorgan	Levin	

NOT VOTING—5

Akaka	Campbell	Kerry
Bunning	Edwards	

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3629

The ACTING PRESIDENT pro tempore. There are 2 minutes evenly divided on Dayton amendment No. 3629.

Mr. COCHRAN. Mr. President, the Senator from Minnesota has offered an amendment dealing with the Federal protective service. It is my intention as a manager of the bill to urge my colleagues to vote against it. First, it is the intention of the manager to move to table this amendment and ask for the yeas and nays, and I do so now.

The ACTING PRESIDENT pro tempore. There is still time remaining. The motion is not in order at this time.

The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, this amendment is necessary to protect the health care benefits of security guards who are protecting our security at Federal buildings in Minnesota and in other States.

In this instance, private contractors have low-bid these security contracts, and they unilaterally have shifted the employees' health payments to 401(k) contributions. The company thereby increases its profits by not paying taxes at the expense of their own employees, with no consultation, no negotiation, just cold-blooded profiteering. No wonder a company like this can underbid its competitors. The bids can go lower and lower every time they cut wages or benefits. That is why there should be employee protections—protections that were eliminated, unfortunately, over the objections of many of us when this Department of Homeland Security was created just 2 years ago.

This amendment simply requires that if a company takes over a contract, it must negotiate changes in health benefits with its employees. I think that is the least we can do on behalf of those who are risking their lives to protect our lives.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment seeks to define the responsibilities of the Federal Protective Service to negotiate employment contracts with other agencies or individuals who seek to work for the Federal Protective Service. This is actually a Department of Labor Fair Labor Standards Act issue. It is not a Homeland Security issue. It should not be offered as an amendment to this bill but, rather, the issue should be presented to the Department of Labor which is responsible for overseeing employee and employer relationships.

This amendment would have a very serious adverse effect on the Federal Protective Service's ability to carry out protective services and ensure the security of Federal buildings throughout the country. It could bring the efforts to a standstill.

I move to table the amendment and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be 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. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote ''yes.''

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The ACTING PRESIDENT Pro Tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 45, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—49

Alexander	Domenici	Miller
Allard	Ensign	Murkowski
Allen	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Brownback	Graham (SC)	Shelby
Burns	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeWine	McCain	
Dole	McConnell	

NAYS—45

Baucus	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Breaux	Harkin	Nelson (FL)
Byrd	Hollings	Nelson (NE)
Cantwell	Inouye	Pryor
Carper	Jeffords	Reed
Clinton	Johnson	Reid
Conrad	Kennedy	Rockefeller
Corzine	Kohl	Sarbanes
Daschle	Landrieu	Schumer
Dayton	Lautenberg	Stabenow
Dodd	Leahy	Wyden

NOT VOTING—6

Akaka	Campbell	Kerry
Bunning	Edwards	Sessions

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3632

The ACTING PRESIDENT pro tempore. There are 2 minutes equally divided on the amendment of the Senator from New York.

Mr. COCHRAN. Mr. President, this is the amendment offered by the distinguished Senator from New York.

Mrs. CLINTON. Mr. President, are there 2 minutes available equally divided?

The ACTING PRESIDENT pro tempore. That is correct.

Mrs. CLINTON. Mr. President, I ask unanimous consent to add Senators KENNEDY and CORZINE as cosponsors of this high-threat amendment.

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

Mrs. CLINTON. Mr. President, this amendment would add $625 million to the high-threat urban area category of Homeland Security funding. This would bring the amount close to what the President asked in his budget where he asked for $1.5 billion for the high-threat category.

What has been happening over the last several years is that the Department of Homeland Security has added the number of cities and localities with critical infrastructure to this category, which I support and agree with. But as a result, the amount of money is not sufficient in order to meet the needs of the number of places that the Secretary deems appropriate for high-threat urban funding. So I ask that we support this increase. It brings us close to the President's requested amount in the 2005 budget, and it enables the Secretary to provide the funding to a number of places that have high-threat needs.

Mr. DORGAN. Mr. President, I support the Clinton amendment because I think that it includes important funding for high risk areas. The amendment provides additional funds for those areas that are under the highest threat alert.

In its current form, this amendment does not include any offsetting reductions to pay for the new investments. If this amendment is adopted today—and I hope that it will be—I intend to work with the conferees to offset these increases by reducing funds that have been earmarked for Iraqi reconstruction. I believe these expenditures should be offset with these other spending cuts.

Iraq is a nation that sits on some of the largest oil reserves in the world. My view is that Iraq should pay for its own reconstruction.

Last year, this Congress acted in an expedited way to appropriate $18.4 billion Iraqi reconstruction. And yet, 10 months later, most of that money is still unspent. Less than $1 billion has been actually expended and only about $7 billion has been obligated.

Therefore, I support Senator CLINTON's amendment. But my intention is to push for the rescission of those unobligated Iraqi reconstruction funds and use them to offset these needed security investments.

Mr. COCHRAN. Mr. President, I appreciate very much the suggestion of the Senator from New York. The fact is, we have already identified an appropriate amount of funding for this area of concern in the bill. The committee has reviewed the request very carefully. Because the committee has exhausted its allocation of funds available to it under the allocation of the full committee on appropriations, we have identified what we think is an appropriate amount of funding for this area of concern and activity of the Department of Homeland Security. I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mrs. CLINTON. Mr. President, I move to waive the applicable sections of the Congressional Budget Act and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote ''no''.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Florida (Mr. NELSON) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 50, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—44

Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham (FL)	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Nelson (NE)
Breaux	Hutchison	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Clinton	Johnson	Rockefeller
Corzine	Kennedy	Sarbanes
Daschle	Kohl	Schumer
Dayton	Landrieu	Specter
Dodd	Lautenberg	Stabenow
Dorgan	Leahy	Wyden
Durbin	Levin	

NAYS—50

Alexander	DeWine	McConnell
Allard	Dole	Miller
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Burns	Frist	Sessions
Carper	Graham (SC)	Shelby
Chafee	Grassley	Smith
Chambliss	Gregg	Snowe
Cochran	Hagel	Stevens
Coleman	Hatch	Sununu
Collins	Inhofe	Talent
Conrad	Kyl	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	McCain	

NOT VOTING—6

Akaka	Campbell	Kerry
Bunning	Edwards	Nelson (FL)

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 44, the nays are 50. 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 and the amendment falls.

The Senator from Hawaii.

VOTE CORRECTION

Mr. INOUYE. Mr. President, on rollcall No. 178, I was present and voted aye. The Official record has me listed as absent. Therefore, I ask unanimous consent that the official record be corrected to accurately reflect my vote.

This will in no way change the outcome of the vote.

The ACTING PRESIDING pro tempore. Is there objection? Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

AMENDMENT NO. 3598

Mr. ENSIGN. Mr. President, I ask unanimous consent to set aside the pending amendment to call up amendment No. 3598.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. BOND, Mr. REID, Mr. KYL, Mr. CORNYN, Mrs. HUTCHISON, Mr. CORZINE, Mr. NELSON of Florida, Mr. CHAMBLISS, Mr. MILLER, Mr. GRAHAM of Florida, Mr. BURNS, Mr. ROBERTS, Mrs. FEINSTEIN, Mrs. BOXER, Mrs. CLINTON, Mr. WARNER, Mr. DURBIN, Ms. LANDRIEU, Mr. CAMPBELL, and Mr. ALLEN, proposes an amendment numbered 3598.

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

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

The amendment is as follows:

(Purpose: To increase the amount appropriated for baggage screening activities, and for other purposes)

Beginning on page 10, line 25, strike ''$1,437,460,000'' and all that follows through ''presence'' on page 11, line 3, and insert the following: ''$1,512,460,000 shall be for baggage screening activities, of which $210,000,000 shall be available only for procurement of checked baggage explosive detection systems and $75,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $796,890,000 shall be for airport security direction and enforcement presence, of which $217,890,000 shall be available for airport information technology''.

Mr. ENSIGN. Mr. President, I thank Chairman COCHRAN and Senator BYRD and their staffs for working with me to draft the Ensign-Bond amendment, which has 20 cosponsors from both sides of the aisle.

This amendment addresses a shortfall in the Transportation Security Administration's budget for our airports' in-line baggage screening systems, or Explosive Detection Systems, for all checked baggage.

My amendment adds $75 million to the TSA's budget request of $250 million, for a total of $325 million. It is fully offset through a reduction in TSA's airport information technology and support.

TSA has asked for a $154 million increase in airport information technology, so we will still be giving them half of that increase. Still, even with this offset, this technology account is left with $218 million, and the reduction will not damage TSA's mission.

The reason I am offering this amendment is clear: One of the major threats of terrorism we face today is crowded airport lobbies. The huge explosive detection devices in the lobbies of airports makes the packed-in crowds an inviting target for terrorists. They could harm and kill more people in an airport lobby than they could on an entire airplane these days.

The amount that TSA requested in fiscal year 2005 for in-line baggage screening is not enough to fully fund the eight airports that are currently constructing their baggage systems, let alone the 21 airports that are waiting for money to become available so they can start their own.

It is estimated that $5 billion is needed to fully install the baggage screening systems. At $250 million a year, we are not going to get there any time soon. We need to live up to our obligation to our airports by clearing the backlog of airports that need to get these monster machines out of their lobbies. It is a huge unfunded mandate for airports that have to operate on tight budgets.

Our airports will be safer as a result. In fact, one of the recommendations of the 9/11 Commission is to expedite the installation of in-line baggage screening equipment. We will never get there if TSA cannot request enough funding for eight airports, let alone for all the airports in America that need these baggage screening systems.

In summary, my amendment is offset and will help 30 airports in our country speed up the installation of their in-line baggage screening systems. We have a huge vulnerability on our hands, and we need to act quickly.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

Mr. COCHRAN. Mr. President, we reviewed the amendment of the distinguished Senator from Nevada. We think it should be accepted by the Senate, so we hope it will be adopted on a voice vote.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3598) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3630

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, in my conversations with the distinguished chairman of the committee, the Senator from Mississippi, it is my understanding the bipartisan amendment I offered earlier today—on behalf of myself and Senator SPECTER, along with several other colleagues, including Senators STABENOW, SNOWE, BIDEN, MIKULSKI, CORZINE, and CLINTON—to provide funds to fire departments to hire firefighters, will be accepted by the committee. That being the case, I see no reason for us to ask for a rollcall vote.

I ask unanimous consent that a letter from the National Volunteer Fire Council be printed in the RECORD.

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

NATIONAL VOLUNTEER FIRE COUNCIL,
Washington, DC, September 13, 2004.

Hon. CHRISTOPHER DODD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DODD: The National Volunteer Fire Council (NVFC) is a non-profit membership association representing the interests of the more than 800,000 members of America's volunteer fire, EMS, and rescue services. On behalf of our membership, I am writing to lend our full support for your amendment to the FY 2005 Homeland Security Appropriations Bill to fund the SAFER program at the $100 million level.

The Staffing for Adequate Fire and Emergency Response (SAFER) Firefighters Act, which was passed as part of the FY 2004 Defense Authorization bill, would not only provide grants to local fire departments to hire additional personnel, but also includes a component to provide grants to volunteer and combination departments to implement recruitment and retention programs. In addition, the amendment includes language that ensures that firefighters hired under the SAFER Bill are guaranteed the right to continue to volunteer in other jurisdictions during their off-duty hours.

As you know, recruitment and retention is often cited as the number one challenge facing America's volunteer fire and EMS departments. The SAFER program would not only help to address staffing shortages in career departments, but would go a long way to reverse the national trend in the volunteer fire service that has resulted in a loss of nearly 15% of the volunteer ranks in the last 20 years.

Once again, we strongly support your amendment to the FY 2005 Homeland Security Appropriations Bill and we thank you for your continued leadership and support of America's fire service. If you or your staff have any questions please feel free to contact Craig Sharman, NVFC Director of Government Relations at (202) 887–5700.

Sincerely,

PHILIP C. STITTLEBURG,
Chairman.

Mr. DODD. I appreciate immensely the support of the Senator from Mississippi and others who are willing to accept the amendment. I want to commend Senator BYRD, Senator SPECTER, as well as their staffs, for the tremendous efforts they have made on behalf of the amendment. We were able to work out an offset that will not do any significant damage to the management and administrative functions of the Homeland Security Department. We still would have a 35-percent increase in title I, and roughly the status quo when it comes to title IV.

Firefighter staffing is the No. 1 issue for firefighters all across America. By agreeing to this amendment, we are fulfilling our pledge to these heroes to do everything we can to not only provide them with the materials, training, and equipment they need, but also the necessary personnel these departments

must have if they are going to complete their jobs.

Again, I thank the Senator from Mississippi and his staff for their outstanding efforts.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we thank the Senator from Connecticut for his good advice and suggestions in the handling of this bill. We recommend we proceed to a voice vote on his amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 3630.

The amendment (No. 3630) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3639

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

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

The ACTING PRESIDENT pro tempore. Is there objection to laying aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DOMENICI, proposes an amendment numbered 3639.

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

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

The amendment is as follows:

(Purpose: To provide for continued support by the New Mexico National Guard for the performance of the vehicle and cargo inspection activities of the Department of Homeland Security)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. During fiscal year 2005 the Secretary of Homeland Security and the Secretary of Defense shall permit the New Mexico Army National Guard to continue performing vehicle and cargo inspection activities in support of the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement under the authority of the Secretary of Defense to support counterdrug activities of law enforcement agencies.

Mr. BINGAMAN. Mr. President, this is an amendment which simply provides that during fiscal year 2005, the Secretary of Defense shall permit the New Mexico Army National Guard personnel to continue performing vehicle and cargo inspection activities in support of Customs and Border Protection and immigration enforcement agencies along the border.

This is work our New Mexico National Guard has been doing now for some time. They do an excellent job. We have 17 full-time guardsmen who are involved with this inspection. They are well trained to accomplish this work. This is work which will be very difficult for the other Federal agencies involved to try to take over themselves. It is important that the National Guard be allowed to continue doing the work. The amendment would accomplish that. It is a very meritorious amendment, and I urge my colleagues to support it.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we understand the Senator from New Mexico, Mr. DOMENICI, is a cosponsor of the amendment. We appreciate Senator BINGAMAN's bringing this issue to the attention of the Senate. We recommend that we proceed to a voice vote on the Senator's amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 3639.

The amendment (No. 3639) was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3636

Mr. BAUCUS. Mr. President, I rise to speak on an issue that is vitally important. If there are any pending amendments, I ask unanimous consent that they be set aside.

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

Mr. BAUCUS. I call up amendment No. 3636.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. BURNS, Mr. CONRAD, Mr. ROBERTS, Mr. DORGAN, Mr. BROWNBACK, Mr. NELSON of Nebraska, and Mr. HAGEL, proposes an amendment numbered 3636.

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

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

The amendment is as follows:

(Purpose: To provide emergency disaster assistance to agricultural producers in Florida and other States due to losses from hurricanes, droughts, freezes, floods, and other natural disasters)

At the appropriate place, insert the following:

TITLE ____—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. ____01. CROP DISASTER ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) ADDITIONAL COVERAGE.—The term ''additional coverage'' has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(2) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(3) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(b) EMERGENCY FINANCIAL ASSISTANCE.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture (referred to in this title as the ''Secretary'') shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop or quality losses for the 2003 or 2004 crop (as elected by a producer), but not both, due to damaging weather or related condition, as determined by the Secretary.

(c) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(d) REDUCTION IN PAYMENTS.—The amount of assistance that a producer would otherwise receive for a qualifying crop or quality loss under this section shall be reduced by the amount of assistance that the producer receives under the crop loss assistance program announced by the Secretary on August 27, 2004.

(e) INELIGIBILITY FOR ASSISTANCE.—Except as provided in subsection (f), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses; and

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses.

(f) CONTRACT WAIVER.—The Secretary may waive subsection (e) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(1) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) providing additional coverage for the insurable commodity for each of the next 2 crops; and

(2) in the case of a noninsurable commodity, to file the required paperwork and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next 2 crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(g) EFFECT OF VIOLATION.—In the event of the violation of a contract under subsection (f) by a producer, the producer shall reimburse the Secretary for the full amount of the assistance provided to the producer under this section.

SEC. ____02. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the

Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2003 or 2004 losses (as elected by a producer), but not both, in a county that has received an emergency designation by the President or the Secretary after January 1, 2003, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(c) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock assistance program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

SEC. ___03. TREE ASSISTANCE PROGRAM.

The Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the tree assistance program established under subtitle C of title X of the Farm Security and Rural Investment Act of 2002 to producers who suffered tree losses during the winter of 2003 through 2004.

SEC. ___04. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

SEC. ___05. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. ___06. EMERGENCY DESIGNATION.

Amounts appropriated or otherwise made available in this title are each designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1014).

Mr. BAUCUS. Mr. President, this is a bipartisan amendment. My colleague from Montanam Mr. BURNS, is a cosponsor of the amendment, along with Senators ROBERTS, BROWNBACK, HAGEL, CONRAD, DORGAN, and NELSON from Nebraska. Maybe there will be more later.

This amendment provides for emergency agricultural natural disaster assistance. Some might ask why I am offering this amendment, particularly on this bill. The answer is very simple. First of all, there is a tremendous need, a need in rural America to address drought agricultural disaster assistance. Just as there is a need in Florida because of the two hurricanes which have devastated that State, and a third potentially on its way, for agricultural disaster assistance, agricultural disasters from droughts in many parts of America are just as devastating. We don't hear about them as much because it is in the nature of a silent killer. They don't get on TV as much. It is over a period of time, for years. But the effect is just the same, if not worse, in many parts of our country.

We are in America. We are an entire country. Just above the Presiding Officer is our national motto, ''e pluribus unum.'' Clearly, this is something of which we should all be reminded. We are many States, but we are one Nation, here to help each other—one indeed.

Our amendment would fully fund the Crop Disaster Program, the Livestock Assistance Program, and the American Indian Livestock Feed Program for losses incurred in 2003 or 2004. The producer would have the option of deciding which of the 2 years he or she needs the assistance.

I might point out that in 1996, the year before the major years of drought began, Montana sold $847 billion worth of wheat. Just a couple years ago, we sold only $366 million. That is a 43-percent decline. Why? Essentially because of drought.

This devastation does not end at the front door of our rural homes. It is unrelenting and has taken an enormous economic toll on our communities as well as our farmers. It will take years to recover. Businesses are closing doors. Employees are being layed off in many parts of rural America as a consequence, and main streets are just drying up. Producers are considering selling parcels of land they own or pieces of equipment that they have in order to keep their operation going. They will do so only if they can keep the farm or the ranch that their family has been working on for, in many cases, generations, and scraping that money together has never been more difficult as most of the potential buyers are similarly in financial straits.

So we are drying up in many parts of the country. It is all patchwork. It is not uniform. There are certain parts of the drought that even in certain parts of my State of Montana, you can tell from this map which indicates it is very dry. Some parts are more drought stricken than others. This bill is tailored to give help to those producers who are experiencing drought, who have a disaster, very little of their crop is left, and they would be compensated for only a portion of the loss. We have to act now.

Some will say: Put this off to another bill. This is the Homeland Security bill. This is not an agricultural disaster assistance bill.

That is a technical argument. The unanimous consent request states, and I will point it out to my colleagues, that first-degree amendments to this bill are in order related to the text of homeland security and natural disasters. This is a natural disaster amendment.

This bill clearly contemplates amendments that address assistance to parts of the country that are experiencing natural disasters. You might hear, gee whiz, after all, we should wait until an agriculture bill comes up. We cannot do that. We know there are 3 weeks left before we are scheduled to adjourn. There is no time to wait. We know the big disaster bill comes up for Florida, and we know the pressure here for that to be a clean bill—don't add anything to it because it so accurately portrays the devastation in Florida, and there is going to be a rush to adjourn and they don't want any amendments, and that will happen.

We are going to hear the argument to put it off until the supplemental or another bill. Well, you have to strike while the iron is hot here. You need to take advantage of your opportunities. This is needed now, not weeks from now. It is needed right now. Frankly, a bird in the hand is worth two in the bush. If we don't act now, we jeopardize assistance that farmers deserve, as well as the folks in Florida.

I point out that we see hurricanes and tornadoes and ice storms and floods in the news; newspapers and television cover that. Those folks deserve help and we will give them help before we adjourn.

We must also remember that an agricultural disaster such as drought is more of a silent killer; it is not as visible on TV screens, but the effect is just as bad, if not worse.

You are going to hear, why doesn't the farm bill take care of all this? We know it is important to remind ourselves that disaster assistance is completely separate from funding in the farm bill. It is a totally different animal, a different phenomenon.

The argument is also made that farmers and ranchers should be satisfied with the funding they will receive in the farm bill. The truth is, only 18 percent of the total funding in the farm bill goes directly to producers. The rest goes to food stamps, nutrition programs, et cetera. The farm bill is never intended to cover losses from natural disasters; it is economic losses, not natural disasters, as this amendment so provides.

In the same way we use emergency funds to rebuild communities hurt by tornadoes and hurricanes, we should rebuild communities hurt by drought. We should not treat natural disasters differently and just pay attention to the ones that make the evening news. A disaster is a disaster. There is no reason a double standard should apply. We must not and cannot continue to ignore the impact of drought, the effect it has on our agricultural producers,

and our rural communities. It is every bit as deserving of assistance.

I repeat that it is just as important as small business owners in Florida or anybody else. Florida needs assistance and we will give them that. Those folks are hurting. But I might also say that parts of rural America need assistance and we should give them assistance because they are hurting just as much in some cases, if not worse.

I will end there, just by saying this is bipartisan. We have just as many Republican cosponsors as Democratic cosponsors. It is not a political issue. This is meant to help people who really need help.

With that, I yield the floor and urge my colleagues to take a good long hard look at this and not be—I am trying to use another word—deceived by arguments that say this is just a Homeland Security bill. That is a technicality. The unanimous consent provides for natural disaster amendments to this bill. Second, there is no time to wait. That is why we are here. That is why we are elected, to do what is right.

Somebody, who was wise, said to me: When you are going to do something, do it now, don't wait. Second, do it right the first time. Don't do it wrong the first time.

I think if we are going to do it, we should do it now, do it right the first time; and the right way is a basic, simple amendment. We are not trying to take advantage of somebody or pad anybody's pockets. It is to help people who need help.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I rise in strong support of the amendment of the Senators from Montana, Kansas, and others States that have been affected by natural disasters. We have enormous sympathy for the State of Florida and the extraordinary disasters they have faced, and we are ready to help them, as we have been helped in the past.

My State has once again been hit by the most remarkable set of disasters I have seen yet—and I have seen a lot—from the worst floods in the 1990s—we had the 500-year flood of the Red River. People may recall the images of that extraordinary flooding. In the 1980s, we had the worst drought since the 1930s.

This year, our State has been hit by a combination of flooding and drought that is truly stunning. It is almost hard to express what I have seen as I have crisscrossed North Dakota this summer.

These headlines on the chart sum up a little of what people in North Dakota have been reading all year: ''Water Everywhere, While Deadline Looms to Get Crops in the Ground.'' What that is talking about is that, in our State this year, nearly 2 million acres were prevented from even being planted because of extraordinary flooding. This is a continuation of the flooding in the Devil's Lake Basin that we have seen over the past 6 or 7 years. This lake is now bigger than the District of Columbia; it is several times the size of the District of Columbia. The lake has risen 25 feet in the last 7 years.

Throughout this entire basin, which is the size of the State of Massachusetts, the land is increasingly under water. There is a joke in North Dakota that Lake Agassiz may be reforming. Lake Agassiz, my colleagues will remember, was a giant lake, a glacial lake that covered much of the State of North Dakota in earlier ages.

Something truly phenomenal is happening in my State. Some have suggested that global climate change is affecting the severity of the weather. I don't know, but something dramatic is happening. We have towns that have experienced 18 inches of rain in 1 day, and these are places that only get 20 inches of rain in a year. It is Biblical and it is unlike anything we have ever seen.

In the midst of all of this, we had a killer frost in August. Whoever heard of a frost in August? In fact, we had several frosts in August. And while that is happening in the northern tier of the State, in the southwestern part of the State is the meanest, toughest drought I have seen in my lifetime. I just toured the southwestern part of our State. In county after county, I was in pastures that are like moonscapes because nothing is growing.

This is a headline from one of the newspapers back home: ''Drought Cancels Annual Crop Show.'' They cannot have a crop show because there are no crops to show. That is how devastating the drought has been in the southwestern part of the State. At the same time, the great irony is, just a hundred miles north, it is so wet they cannot get the crops off. I had one farmer—Mr. BAUCUS—say to me: The incredible thing here, Senator, is when you look from the road, it looks like there is 90 bushels of barley there, but you cannot get in to harvest it because it is so wet that your equipment bogs down. Now, here we are in the second week of September and there are very few days left that will be warm enough to mature the crop. The result is going to be losses that will mount geometrically.

This says, ''Losses Total $530 million.'' This is our State university that has done a calculation of the extraordinary losses. Already, there have been Presidential disaster declarations.

I make these points because while we have enormous sympathy for Florida and are prepared to assist them and to vote for natural disaster assistance to them, they are not the only ones being affected by natural disasters. I wish it were not so. I wish nobody was being faced with natural disasters, but that is the circumstance we face.

On this most recent tour, this is a wheat field that we were looking at. This is a wheat field in September. It is not up much past a person's socks. There is nothing here. It was a total loss. These people are going to lose their entire investment.

Here is a cornfield. We say knee high by the Fourth of July. You can see this corn is not knee high by the first week in September. In fact, most of these corn plants have no ears on them. About one in four has any ears, and the ears they have are like those little miniature ears that one gets in a salad when going to a restaurant. It is unlike anything I have ever seen.

This is a cornfield that is totally stunted. This is one of my assistants who is holding up this corn plant showing there are no ears on it. It is a total loss. As the farmer who was with me said: Senator, that is garbage. That whole field is just garbage.

Yet here is another part of North Dakota—I do not know if people can see this clearly through the television lens, but this is mile after mile of northern North Dakota—water, water everywhere. Everywhere one looks there is water. That is the circumstance we face in North Dakota.

In the middle of all of this, here is a map that shows the damage. There are 1.7 million acres that were prevented from even being planted all across northern North Dakota. All the green area is places where acreage was prevented from being planted. Just to put 1.7 million acres in perspective, how much is that? That is 25 percent more than the whole State of Delaware. That is the acreage they could not even plant. Those who were lucky enough to plant could not harvest. They could not harvest because it is so wet the machines are bogged down. That is what we are facing in North Dakota. It is not just drought and it is not just flooding.

On top of that, killer frost. Here is the indication of where they had killer frost. My colleagues can see in the blue those are areas that had killing frost this year. On August 20, 2004, there were freezing temperatures. The areas in the lightest blue experienced temperatures from 28.5 degrees to 32.2. In the next shade of blue, 32.2 to 35.9. In all of these areas, enormous damage was done to the crops.

One does not have to take my word for it. We brought back pictures showing what has happened. This picture is from Cass County, ND, an ear of corn unaffected. This picture was taken on August 24. That is a healthy ear of corn. Look at the Foster County picture taken the day before, August 23. This is frost-damaged corn.

My colleagues can see what a totally different picture it is, the difference between corn that is healthy and unaffected and that which has been damaged by frost.

The losses in my State are now enormous and growing geometrically. Our State university just did this assessment: Prevented planting losses as I described, 1.7 million acres, a loss of over $206 million; crop production losses, $264 million; crop quality losses,

another $58 million. Total losses in my State so far, $530 million.

Now, some say that is what crop insurance is for. Let me explain. Crop insurance will only cover 40 percent of the loss, not even 40 percent of the loss, because of the way crop insurance works. That is with the vast majority of my farmers buying crop insurance. Some will say, gee, more farmers should have bought crop insurance. In my State more than 90 percent of the farmers do buy crop insurance.

The way crop insurance works, it in no way makes one whole. It just offsets the losses, and when the losses are this massive and this significant, crop insurance only covers less than 40 percent. This shows net direct crop losses of almost $330 million.

The economists at our State university then did an analysis of what the indirect losses would be to the State. Households will lose $511 million. Retail sales will be reduced by $245 million, and put in the direct crop losses, that is an economic loss to North Dakota's economy of over $1 billion, and $1 billion to my little State is a huge amount of money. I know in Washington $1 billion may not seem all that significant. It may not be all that significant in California or New York, but in North Dakota $1 billion is real money. It means real hardship to real people, people who deserve assistance just as much as the people in Florida who have been devastated by hurricane after hurricane.

Our people have not been hit by a hurricane. They have been hit by flooding, frost, and drought. What a perverse collection of natural disasters to visit any State in any year.

The final point I wish to make to my colleagues who may be concerned that we are busting the budget is this is what has happened to the pattern of farm payments under the new farm bill. The national press has missed this story completely, I might say, but the fact is, farm program payments have come down dramatically under the new farm bill.

This is where they were under the old farm bill, $32.3 billion in the year 2000; 2001 it came down to $22.1 billion; 2002, $15.7 billion. Then we had a tick up in 2003 to $17 billion, and in 2004 they are anticipating the spending will be $11.5 billion. That is $20 billion less than 2000. The national press has not reported this at all.

The fact is, the new farm bill is costing a lot less than what we were spending under the old farm bill, much less. This year, it is $20 billion less than the cost was going to be in 2000.

My colleagues know I have been voting against waivers of the Budget Act for amendment after amendment, and I have told my colleagues there is only one exception for me and that is natural disaster, whether it is Florida, Georgia, North Carolina, South Carolina, North Dakota, Minnesota, Montana.

The hard reality is, natural disasters are unpredictable. Nobody can know who is next. Nobody can know who is going to face a flood or a drought or a hurricane. That is why we have always treated them as emergencies, with emergency funding. That is my intention this year as well.

I believe we have natural disasters. Nobody could have predicted Hurricane Charley or Hurricane Frances or Hurricane Ivan. And nobody could have predicted these terrible droughts.

Senator NELSON from Nebraska said we ought to be naming droughts because then it would get more attention. It kind of personalizes things. People could understand when we are getting hit with a natural disaster, because it has a name. We don't name droughts. Maybe we should. We certainly name a hurricane and that helps us personalize it and remember it. Droughts and floods don't have names, but I will tell you what, they affect real people who have names.

I have gone all across my State in dozens of farm meetings, all across the northern tier of North Dakota with this devastating flooding, and all across the southwestern part of my State with this disastrous drought. These are real people, real families, who are being devastated and, through no fault of their own, they are on the brink of being pushed off the farm. They have been devastated every bit as much as the people in Florida. All of them deserve our assistance and our support. I hope very much our colleagues will support this amendment.

I yield the floor.

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

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

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3641

Mrs. BOXER. Mr. President, I ask the pending amendment be set aside and that we take up amendment No. 3641, which has been cleared on both sides.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. CARPER, proposes an amendment numbered 3641.

On page 20, line 14, strike ''rail'' and insert ''inter-city passenger rail transportation (as defined in section 24102(5) of title 49, United States Code), freight rail,''.

Mrs. BOXER. Mr. President, this is a very simple amendment. I give tremendous thanks to Senator TOM CARPER of Delaware who has worked so hard on this amendment, and Senator BIDEN for his strong support. They have been a real leadership team, in terms of real security for Amtrak. I am pleased we were able to work together.

I also thank Senator COCHRAN enormously, because he has been so helpful to us, and of course Senator BYRD. Basically, last March we received what should have been a wake-up call when terrorists blew up a commuter train in Madrid, Spain, killing nearly 200 people and injuring 1,400. I don't think there is any American who will not remember our shock and sadness at what occurred.

Obviously, we have to address the vulnerabilities of America's rail systems. We must act now. I am so pleased that the bill before us includes more than $207 million for rail and transit security. This amendment that Senator CARPER has done so much work on and which I have worked with him on will make it clear that all rail operators will be eligible for this vital funding. This will allow the Secretary of Homeland Security to use full discretion to allocate funds to those operators with the greatest need regardless of whether they are local transit agencies, Amtrak, or freight railroad. This minor change will go a long way toward helping, and clearly many of us believe we need to do more.

I proudly sit on the Commerce Committee. That committee has now twice voted out rail security bills that are very strong. But adding more dollars to rail security would enable us to do more checking on what may be lying on the railroad tracks and set up a system so we can be sure that baggage on trains does not contain bombs. We have K–9 teams.

There are many things we want to do. It is a great frustration for me that even though Senator MCCAIN and Senator HOLLINGS and the whole committee in a bipartisan way passed railroad security not once but twice, that bill sits at the desk, as does the port security bill that we voted out, as does the nuclear plant security bill the Environment Committee voted out, and the chemical plant security bill. It is frustrating. But tonight, at least we have a chance to do a little bit more for rail security. I am very grateful for that. I know this amendment has been cleared on both sides.

I see Senator CARPER coming to the Senate floor, so I will yield the floor. But once more, I give him my tremendous thanks for his very hard work. It is wonderful to see that we can accomplish something when we reach across the aisle. We have taken a big step. Of course, we want to take even bigger steps to make sure our rail passengers are safe.

I will yield the floor at this time. I would like to know, because I would like to leave the floor at this time, if it is OK to ask for this amendment to be adopted in a unanimous consent fashion at the conclusion of Senators who wish to speak.

Mr. COCHRAN. Mr. President, if the Senator will yield, I am happy to express my support for the adoption of this amendment on a voice vote at the conclusion of the remarks of Senators

from Delaware and California or any other Senators who would like to speak.

Mrs. BOXER. All right. At the end of Senator CARPER's remarks, if no other Senator seeks recognition, then he can make that request. Would that be appropriate at that time?

Mr. COCHRAN. Mr. President, that would be my suggestion. If the Senator will yield, we will adopt the amendment on a voice vote at the conclusion of the remarks of Senators who are interested.

Mrs. BOXER. My thanks to everyone involved.

I yield the floor.

Mr. CARPER. Mr. President, before Senator BOXER leaves the Senate floor, I want to thank her for her tenacity and leadership on this issue. I think we have come to a conclusion.

I see my senior Senator, Senator BIDEN, has joined us as well. This is an issue he has worked on longer than I have been in the Senate. I want to say to my friend, job well done.

I say to Senator COCHRAN and his staff on the Senate floor, and Senator BYRD as well, thank you very much for working with us in writing a very good compromise. A number of us have expressed concern upon learning that as money was added to this bill for transit security, there was an inability—in fact, no ability—for us to access these dollars to enhance security for inner-city passenger rail, on rails principally Amtrak, and to enhance the safety and security of freight railroad operations.

As it turns out, the Northeast corridor, which runs from Washington, DC, up to Boston, MA, is owned by Amtrak. Not only do Amtrak trains ply these corridors from here to Baltimore to Wilmington to Philadelphia and New York, on to Boston, but you can stop in Providence, the State of the Presiding Officer. Also, a lot of freight rail use these tracks. The tracks themselves, the overhead wires, the tunnels through which these trains go, the bridges over which they cross are owned and operated by Amtrak. The commuter trains that use the tracks from here to New York City and on up to Boston in many cases are owned and operated by Amtrak. For us to have passed legislation here today which attempts to promote rail security at least by giving money through State and local governments to transit operations without allowing Amtrak to have any access to those moneys I believe would be very shortsighted.

With the addition of this language which we have worked out on the Republican and Democratic side, we have actually a larger pot of money than we started with. That is good. With the addition of this amendment, we have the ability to enhance the safety and security of inner-city passenger rail operations and freight rail operations, too.

When I go home later this week, I will probably take the train. There is a tunnel that runs under this Capitol in which we work that is about 100 years old. There are concerns about the safety and security of trains that go through there. There is a tunnel under Baltimore that is about 130 or 140 years old. There are six tunnels that are about 100 years old which go in and out of New York City and under the rivers. They have problems with respect to ventilation, lighting, surveillance, and all kinds of safety concerns. They need to be addressed, and they can be addressed at least partly with money made available here.

Not all enhancements to safety and security for rail need to be as expensive as fixing old tunnels. Some of them can be as inexpensive as adding dollars for an old technology—the ability of our K–9 corps to detect bombs and explosives. It is as good today as it was 20, 30, or 40 years ago. With this money, those folks who are running our inner-city passenger rail will be able to better use K–9, if that makes sense, for detecting and ensuring our trains don't end up with explosives on board.

Again, in conclusion, we have come to a good place. This is not an amendment that, frankly, asks for more money. It is an amendment that actually enables us to use some common sense in allocating the moneys that have been added to the bill. It will allow us to enhance the safety and operation of our commuter operations, whether it be commuter trains or buses. Hopefully, we will also be able to use a good deal of this money to enhance the safety of inner-city passenger rail and some of our freight operations. For that, I think we can all be grateful.

I yield the floor.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3641) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, I would like to read a list of supporters of the pending amendment which provides for emergency agricultural disaster assistance: the Alabama Farmers Federation, American Corn Growers Association, American Farm Bureau Federation, American Soybean Association, Georgia Fresh Fruit and Vegetable Association, Georgia Peanut Commission, National Association of Farmer Elected Committees, National Association of State Departments of Agriculture, National Association of Wheat Growers, National Barley Growers Association, National Cotton Council, National Council of Farmer Cooperatives, National Farmers Union, National Grain Sorghum Producers, National Milk Producers Federation, National Potato Council, National Sunflower Association, Southern Peanut Farmers Federation, U.S. Canola Association, USA Dry Pea & Lentil Council, USA Rice Federation, and Women Involved in Farm Economics.

Mr. President, I ask unanimous consent, if consent is necessary, to add as cosponsors to the pending amendment Senator COLEMAN of Minnesota, Senator DAYTON of Minnesota, and Senator CLINTON of New York.

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

Mr. BAUCUS. Mr. President, I think the growing support indicates we should adopt this amendment. There may be a point of order raised. It would be a technicality. I hope if that is raised, Senators will vote to waive that point of order so we can help some people in America, farmers and ranchers in various States all around our country, who have suffered from drought disasters or, as in the case in North Dakota—it is very interesting—from flood disaster.

It was very sad listening to Senator CONRAD speak about North Dakota, how part of the State has been devastated by flooding, with 18 inches of rain in 1 day, if you can believe it. The average annual rainfall in the upper plains States is about 14 inches a year. They had 18 inches in 1 day. That is in one part of North Dakota. In another part of North Dakota, they have had the worst drought he has said he has seen in his lifetime.

I might say, the condition is somewhat similar to that in Montana. Northeast Montana is getting a little more moisture than it usually gets, but southwest Montana is getting a lot less than it normally gets. It is hard to know where we are going to get drought and where we are not. But there is drought.

We are asking to use the formulas that are in the law; that is, the Emergency Livestock Feed Program and the Crop Disaster Assistance Program. Let's use the formulas in the law. If they need disaster assistance, we should give it to them.

In addition, Mr. President, I ask unanimous consent to add Senator MURRAY as a cosponsor of the amendment.

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

Mr. BAUCUS. The more I speak, the more I am getting cosponsors. I ought to keep talking. They are coming in at a rate of about four a minute.

With that, I urge Senators to support this legislation.

TREES

Mrs. CLINTON. I would like to engage the Senator from Montana in a colloquy on Senate amendment No. 3636, the agriculture disaster assistance amendment. I appreciate his hard work in bringing this amendment forward. New York's farmers have suffered this year—both from heavy rains in July and from damaging winter frosts. In particular, both apple trees and grape vines were destroyed in New York this past winter. And while the losses for this year's crop will be covered by the crop disaster assistance provisions of this amendment, it is the tree assistance program that assists growers in replacing their lost trees and vines. So I thank the Senator for including that provision, and I would like to clarify with the Senator that the term ''tree'' as used in his amendment is used in the same way as it is defined in the 2002 farm bill. That is, term ''tree'' in this context means trees, bushes and vines, and would therefore assist New York's apple growers and grape growers alike.

Mr. BAUCUS. I thank the Senator from New York for her support of the amendment, and I assure her that the Tree Assistance Program provision in my amendment is intended to cover eligible losses of trees, bushes and vines.

Mrs. CLINTON. I thank the Senator for his assurance on this issue.

Mr. COLEMAN. Mr. President, I rise in strong support of the bipartisan amendment offered by my good friends and colleagues from Montana, Senators BAUCUS and BURNS, and am proud to be an original cosponsor of this measure important to my State of Minnesota.

Earlier this year, heavy precipitation and moisture prevented many farm families from planting a crop at all and not long afterward, many of them lost what they had planted. This led to a disaster declaration request for three especially hard hit counties along the Canadian border: Lake of the Woods, Roseau, and Marshall Counties.

Then, after a late start in the growing season, my State's farm families were hit with a bizarre August, yes August, freeze that took its toll on another at least 29 counties for which disaster declarations are being sought. This includes pretty much everything north of Interstate 94 that runs from the Twin Cities northwest toward Fargo Moorhead.

It's been said that Minnesota is a place with 9 months of winter and 3 months of poor sledding but a freeze in August even surprised us.

But all kidding aside, this has been a rough season for my farm families and depending on what happens in the next few weeks, it could get a lot worse and become a statewide problem. My farm families tell me, particularly south of I–94, that they need an extra 15 days of growing season beyond what is normal in order to get the heat units necessary to produce a decent crop. If they don't, they are looking at some of the lowest yields since the great flood of 1993, which I remember as the newly minted Mayor of Saint Paul when the same flood ripped up parts of our capitol city.

Now, I know some folks think that we should not be providing disaster assistance to my farm families. They note that my farmers already have insurance. In fact, better than 95 percent of my farm families do carry crop insurance. But, those who face other kinds of disasters also carry insurance, and yet this does not bar them from disaster relief—nor should it. In fact, folks who carry insurance on their cars, on their boats, on their businesses, and on their houses carry insurance that—save the deductible—allows them to recoup the market value of what they have lost. Not so with farmers. Our farmers have to absorb as much as 15 percent, 25 percent, 35 percent, and sometimes even more of their loss alone before they even begin to qualify under their insurance policy. So, disaster assistance is meant to help bridge the gap that exists for farmers but not for others.

This disaster assistance amendment is not out of bounds. It is the traditional level of disaster provided in past years. There is a crop disaster payment covering crops of every kind; a livestock assistance program that helps our livestock producers recoup feed costs resulting from natural disaster; and a quality loss program to help producers who do not suffer yield losses but suffer quality losses that cut into the price they receive in the market place.

Frankly, I believe it is time for us to put our heads together in a bipartisan fashion and craft a more coherent, predictable, fiscally responsible, and long-term policy that better addresses natural disasters. I know that this has been attempted in earnest numerous times in the context of crop insurance—with considerable success—as well as in the context of an emergency reserve or standing disaster program, albeit with less traction in this regard. But, clearly, we need to take another hard look at this issue and see what we can do about alleviating the need for ad hoc relief like this, which is not very reliable to those it's intended to help and not the best option in terms of Federal budgeting.

I urge the amendment's adoption, but I do so looking down the road a ways in hopes that, in the future, we find a new and better way of addressing these crises whose timing we can not always predict but whose occurrence we can certainly all foresee.

Mr. NELSON of Nebraska. Mr. President, I support our amendment to provide emergency drought disaster assistance for farmers and ranchers who have suffered under a prolonged—in some areas a 5 year—drought. I am pleased to be working with Senators CONRAD, BAUCUS, DORGAN, BURNS, ROBERTS and BROWNBACK to offer this amendment. It is a bipartisan amendment, with strong support. This amendment has the strong support of our national farm organizations, such as the American Farm Bureau Federation and the National Farmers Union.

Nebraska's facing its fifth straight year of record drought, which as you know has a damaging effect on the agriculture industry, as well as the main street of every Nebraska community. The same is true in Montana, North Dakota, Kansas and other States as well. Droughts, hurricanes, tornadoes and earthquakes, are natural disasters and deserve to be treated the same. Multiple years of drought have cost our Nation billions of dollars in economic losses and have many farmers wondering whether they'll be able to carry on.

We were successful in 2003 in getting assistance to our producers, but only at half the amount necessary. We passed a $3.1 billion assistance package that was offset with farm bill programs—a plan I opposed. I offered a $6 billion emergency assistance package that if it had passed; we probably wouldn't be here today seeking what we were denied in 2003.

I have continuously worked for the additional assistance we have been unable to secure. I have repeatedly called on the President and Congress to support funding for drought aid for our farmers and ranchers, and to fully fund the crop and livestock disaster programs so critical to Nebraska's farmers and ranchers. This is of the utmost importance to farmers and ranchers in Nebraska and across all the areas suffering from this natural disaster.

The estimated cost for this disaster assistance is $2.9 billion. The assistance will be provided through emergency assistance in the form of a Corp Disaster Program, Quality Loss Program and a Livestock Assistance Program. This assistance is targeted to those who need it most. It will help recover eligible losses sustained by producers in counties designated as primary or continuous disaster areas during the 2003 or 2004 production years.

Producers can choose to claim losses for either the 2003 or 2004 production years, but not both years. This flexibility will allow for ranchers and producers to seek assistance for the year with the greatest negative impact on their farm operation.

I am happy to report that a similar effort is underway in the House of Representatives. Nebraska's own TOM OSBORNE is leading a bipartisan effort to secure relief for agriculture producers. I am hopeful that my Senate colleagues will join me in supporting this amendment. We must respond to the crisis this drought has caused in Nebraska and our Midwestern neighbors.

Mr. BURNS. Mr. President, I am pleased to join my fellow Senator from Montana in sponsoring this agricultural disaster amendment. Agriculture is Montana's largest industry, and these persistent weather-related losses are devastating to our economy. Farmers and ranchers across the country are

struggling to cope with weather-related disasters, and this amendment will deliver needed relief to those producers. Whether we are talking about hurricanes, floods, or the prolonged devastation caused by drought, some of our producers are barely hanging on.

I am particularly happy that this amendment responsibly targets assistance to those individuals who need it most. It provides crop disaster assistance, livestock disaster assistance, and funds for the American Indian livestock feed program. It allows producers to choose which year's losses 2003 or 2004 were the worst. In Montana, most folks suffered the biggest losses in 2003. Our crop losses that year were over $70 million. Livestock producers in many counties in 2003 lost a good percentage of their pasture land to drought. For others, 2004 may have been the year that nearly finished them off. Nearly half of our grazing land is in poor or very poor condition. Record low streamflows are still being recorded, and our reservoirs are nearly empty. And even though some of our wheat producers had good yields, topsoil moisture is still well below average. The drought is far from over in Montana, and throughout the West. Some folks need the assistance for 2003 losses, others for severe weather losses incurred this year. This amendment will let farmers and ranchers make the right choice, based on their individual situation.

I know some of my colleagues have concerns about the price tag of this bill, and I admit it worries me too. But there are people back home who might not make it another year if they don't get relief from the impacts of a 6-year drought. Drought is a silent killer. It doesn't make headlines, and few television stations report on it. This assistance is essential for those people just like it is critical for farmers with flooded cropland, or producers with unexpected summer frost damage. This bill is targeted to just those who meet certain loss thresholds, to make sure that assistance goes where it is most needed, whether that need be in Florida, Maine, or Montana. We cannot discriminate between producers or disasters.

I thank my colleagues for their support of this amendment, and look forward to its adoption.

Mr. ROBERTS. Mr. President, today I rise in support of the Baucus amendment. This amendment ensures that farmers and ranchers across the country will receive assistance for losses sustained through natural disasters.

In Kansas this assistance is critical to provide aid to our farmers and ranchers who have been hit hard by a multiyear drought. While many have viewed the terrible destruction wrought across Florida and the Southeastern U.S. by successive hurricanes in recent weeks, I cannot forget the terrible drought that has continued to grip much of the western portion of Kansas.

I also cannot forget the eerie photographs, taken earlier this summer, of a giant dust cloud that swept across western Kansas. This dire result of continuous drought caused Interstate 70 to shut down, its dust inundated homes and hospitals and even caused a tragic traffic accident that claimed the life of a distinguished Kansan, the late State Senator Stan Clark.

It may surprise my colleagues, but I am no fan of Federal disaster programs for agriculture. They are difficult to pass and often a disaster to implement.

It is unfortunate that the current farm bill, which I voted against, does not provide producers with assistance when they need it most—when there is no crop to harvest.

Without the crop insurance program, which I fought to improve and enhance in 2000, and additional Federal disaster aid, many Kansas producers might not be around another year to continue participating in the current farm bill.

Mr. President, I stand in support of the Baucus amendment. I urge my colleagues to do the same.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, I have been in a markup of the Appropriations Committee for the past several hours. I wanted to be here when my colleagues offered the disaster relief legislation. I was not able to be here at that point, but let me add to the comments that have been made by my colleague from Montana, Senator BAUCUS, and my colleague from North Dakota, Senator CONRAD, and many others.

The amendment that has been offered, as a bipartisan amendment on behalf of Republicans and Democrats who represent a significant part of farm country, is to ask the Congress to consider passing a disaster bill to respond to weather-related disasters in our part of the country.

Let me begin by saying it is my intention that I would support all and any resources that are necessary to respond to those who have been devastated by successive hurricanes.

Those in Florida and other parts of the Southeast, and now those in the gulf area who may well be hit by another hurricane, have had a devastating time of it. It is sad to see the plight of the victims on television when these hurricanes come through and destroy property and destroy homes and destroy livelihoods. It is a pretty awful scene. When that happens, this country has an obligation to extend its hand to those victims and say: You are not alone. This country wishes to help.

I have always voted in favor of disaster assistance and always will because it is part of what this country needs to do for those who have been hit with tough times. That is certainly the case with respect to those hit by the successive hurricanes in the southern part of our country. My colleague from Montana and others have said that as devastating as those hurricanes are—and it is hard to adequately describe the devastation—there are, in addition to the damage from those hurricanes, other areas of the country that have suffered weather-related disasters.

My State is one of those States. I will describe what has happened in my State.

I have toured throughout the entire State of North Dakota in the past months. In the northern part of our State, torrential rains in the spring that came and stayed in a torrent of moisture meant that 1.7 million acres of ground could not even be planted in North Dakota. Obviously, that is a serious economic problem for our State, but it is a devastating circumstance for a farmer that had all of their ground inundated by these torrential rains and couldn't plant an acre. That is a personal circumstance that is very difficult because they will lose all of their revenue. Many of them will go out of business. That is a time when disaster assistance is necessary.

In other parts of North Dakota in the southwestern corner, I had ranchers tell me that from January 1 to July 1, they received 2.2 inches of moisture total in 6 months. One can imagine what their crops look like.

These are two pictures from my State. They describe the circumstances faced by producers. This is a field inundated with water. It would not have been planted, and this farmer would not have an opportunity to make a living by planting this field because the field will be prevented from being planted by this water.

This, in the same State, looks like a moonscape. It is an area that is completely without moisture, a pastureland that has no growth. These are from the same State in the same year.

We had, in addition to the torrential rains and the drought in different parts of the State, in the month of August, strangely enough, a frost, and then a freeze. What happened as a result? My colleagues can look at a cob of corn. This shows a healthy cob of corn. That is what you get when you produce it and you have the heat units and you are able to harvest and pick the corn. Here is what happens when you have a freeze in August, exactly when corn needs heat units to grow. Perhaps even more dramatic, here is what a healthy field of soybeans looks like. We have a lot of acres of soybeans. It looks great, a beautiful green field.

Here is what that same field looks like after you have a freeze in the month of August when you need the heat units to be able to have these beans reach maturity and growth.

It is estimated by North Dakota State University that in North Dakota,

the impact of these weather-related disasters was about $1 billion total. The impact on farmers is more than half a billion dollars. And that which is above that, which crop insurance would pay, is over a third of $1 billion. That is a weather-related series of disasters that is significant and troubling to the producers in our State.

My colleague described the circumstances in Montana. Others will describe circumstances in their States. The point is, this damage was not from a hurricane that came with a fury and in just a matter of days blew its way through and devastated a lot of property. In most cases, this was either a slow motion drought that just drained the life from the soil, or torrential rains, as happened in the northern part of North Dakota that made 1.7 million acres unplantable. Those, too, are weather-related disasters and circumstances in which the Congress should want to—and I expect will want to—reach out its hand to say you are not alone to family farmers and ranchers trying to make a living, trying to survive tough times, trying to deal with weather-related disasters by themselves.

I hope this Congress will, once again, say to those family farmers and ranchers: You are not alone. You don't have to deal with this by yourself because we know you can't. When you lose all sources of revenue for an entire year, then we want to help.

I have served in the House and the Senate. I don't believe I have ever failed to support disaster assistance when it is necessary. I will continue to aggressively support disaster assistance again now for the people of Florida, the Southeast, the people in the gulf region who may be hit. We need to pass that disaster assistance. I will strongly support that.

The amendment being discussed is offered by my colleague and me and others who say there are other weather-related disasters as well that we need to deal with in this bill. We expect our colleagues will understand that. But it should not in any way be misinterpreted as wanting to hold up the necessary resources to deal with and to help make whole those—I guess we probably never make whole people who have suffered a disaster, but at least to say to those folks who have been hit over and over again by the vicious hurricanes: You are not alone. This country wishes to help. We are determined to do that.

I am pleased to at least raise my voice to say I am going to be one person who supports aggressively that which is needed for the citizens of Florida and other parts that have been affected by hurricanes. My hope is that they, too, will help our family farmers and ranchers in South Dakota and North Dakota, Montana, and other regions of our northern Great Plains that have been hard hit by weather-related disasters this year.

Mr. JOHNSON. May I put a question to my colleague?

Mr. DORGAN. I am happy to yield for a question.

Mr. JOHNSON. We all feel for the enormous damage that has occurred in the State of Florida, and there is great risk that there will be additional damage in other Southern States from these hurricanes. One of the great problems that strikes me about the kinds of disasters we are talking about in the northern plains, where we have had this severe drought year after year after year, and the Missouri River now, I am told, is at the lowest level in living memory, or at least since it was impounded into the Missouri River Dam, one of the characteristics of that kind of disaster is that it is as profound as a hurricane, but it is in slow motion. It does not turn buildings upside down, and it doesn't throw cars around. But what it does to the Earth and the lives of these producers is catastrophic.

I am especially pleased with the recently adopted drought provision to the American Jobs Creation Act. With my support, the Senate adopted legislation authored by Senator DASCHLE that would provide increased flexibility for livestock producers to rebuild their herd after drought. The legislation extends the amount of time from two to four years that producers have to reinvest an amount equivalent to the sale of cattle into their farm through the purchase of machinery or equipment with no tax owed whatsoever. Unfortunately, the American Jobs Creation Act has failed to emerge from conference so that it can be voted on by this body. I am hopeful that we will see this bill emerge from conference soon, and that this exceptionally beneficial provision will be included.

The United States Department of Agriculture (USDA) released $1.9 million in unused Emergency Conservation Program (ECP) funding for stopgap water hauling measures, and authorized emergency grazing on Conservation Reserve Program (CRP) acres in limited counties across the country. In South Dakota, only parts of a few counties have qualified for emergency grazing. These measures fail to provide any substantive relief for our agriculture producers during an exceedingly challenging time. I am also concerned for the Agriculture Secretary's recent decision regarding emergency nonfat dry milk assistance. Although nine states and 95 counties were included in this program, South Dakota was excluded from this assistance.

In 2002 and 2003, Senator DASCHLE and I pushed for a $6 billion drought relief plan that would have helped many farmers and ranchers make it through this multi-year drought. President Bush and others in the Senate opposed our proposal and in the end, would only allow a $3 billion package to pass. While it has taken an enormous amount of time and effort to secure bipartisan support for relief in such a harsh budgetary year, I am pleased to see that Senators from both sides of the aisle recognize the importance of ensuring that victims of agriculture disaster are deserving of a comprehensive assistance package. I am pleased to support this amendment and am hopeful for the impact on South Dakota agriculture.

I have walked across fields of South Dakota that frankly look like a moonscape, where there is nothing growing. It is simply dirt. Stock dams where there is either no water, or the water is of such poor quality, it is so murky that it would be a mistake to allow cattle even near the water. In fact, there are stories of pulling cattle out with a tractor because they get mired in the mud. It would seem to me that this disaster, although different in nature than the others, is equally as profound, equally as damaging, and has an equally long-term negative consequence on those who are victimized as any other disaster that may be striking America today.

Does my colleague see it in that perspective?

Mr. DORGAN. Senator JOHNSON has described well the circumstance in a number of areas.

I have seen big, strong family farmers and ranchers with tears in their eyes describing circumstances where they approached this year with some hope and then discovered that almost everything they intended to do was gone. The grain they planted was washed away, or the field they intended to plant was inundated with water and they couldn't plant it, or in the Southwest they planted seeds and they never grew because they got no moisture. It is a devastating circumstance.

The network of farmers around this country who live on the land, under that yard light all by themselves, they live on hope. They risk everything in the spring to put a seed in the ground. They live on hope that somehow it will grow, that somehow they won't get too much rain but they will get enough rain, that they won't have crop disease, that all of these things will happen, and they will be able to harvest and maybe somehow there will be a good price when they harvest.

But it has been devastating when they can't plant a seed that will grow because there is no moisture, or when they can't plant a seed at all because the water has inundated their land. They set their jaw and they act like, well, they will get through this. But many of them have told me that they won't get through this. You can't live without income, especially with the cost of doing business on family farms these days.

That is why at this time, in this circumstance, my colleagues who have joined in offering this amendment are simply saying let's say to these folks as well you are not alone. They have had a tough time. This, too, is a weather-related disaster. Let's recognize it and deal with it in an appropriate way. That is what this legislation does.

We have done this before. It is time now, and there is a need to do it again—to say to family farmers and ranchers in this country: You matter; we care whether you exist out there. You are part of the culture of this country in which family values exist, nurturing, refreshing families' values from small towns to big cities.

That is part of the important culture of this country. When they are in trouble, this country is in trouble. I hope we will agree to advance this amendment as we will advance all the help necessary for the hurricane victims.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I will make a few comments concerning the Baucus amendment requesting $2.65 billion of drought assistance. I have two or three comments. One, it doesn't belong on this bill. This is the Homeland Security bill. This is not an agriculture bill, not even an urgent supplemental bill.

Senator REID, the assistant minority leader, has stated repeatedly let's do the supplemental separately from Homeland Security. I happen to think he is right. One could debate it, but he stated repeatedly and recommended strongly to the Senate to have a separate bill on the President's request.

The President requested yesterday $3.1 billion for hurricane relief. He requested it yesterday. That doesn't mean it has to be done on the Homeland Security bill. Senator REID thought it should not be on this bill. We don't even have that amendment. The President didn't request drought assistance. I looked back over the history of drought assistance and I see a lot of requests. In 2002, we had $600 million, I guess, in drought assistance. In 2003, it was $3.6 billion.

But I might say it was offset by reductions in other programs in the Agriculture Committee. How can we pay for this request, because we don't have the Agriculture bill up to have offsets? This bill is not offset. This is just to add $2 billion or $3 billion of additional money. I would like to have it be paid for. I might support it if it is paid for. I might not. I want to see how it is paid for. I know in this case it is not paid for. It would add to the deficit. I am not willing to do that. So a budget point of order will lie against the amendment, and this Senator plans on making one.

I don't think this is the way we should do business. I think we should follow the regular order, to the extent we can. We should be talking about an appropriations bill and maybe consider the President's request. If Congress wishes to change it or alter it, I guess we have the right to do so. But to try to double it, when we just got the President's request, and not even consider an offset, not even look at an offset, I think is a serious mistake.

I don't know if this is more about helping farmers or politicians. If you want to help farmers, I think we can find a couple billion dollars in offsets. We did last year. Why can we not find an offset to pay for it this year?

I make those comments. Senator REID urged us time and again to do the urgent supplemental separate from Homeland Security. We just received the President's request, which was $3.1 billion, and it didn't include this. To pass an urgent emergency supplemental takes 60 votes, and it is this Senator's intention to hopefully join with Senator COCHRAN and Senator STEVENS in objecting to the emergency designation and making the budget point of order on this amendment, and passing Homeland Security.

Let's finish the job we have at hand. We have a real problem. Senator COCHRAN has done an outstanding job in managing the bill. He has already defeated amendments that totaled over $19 billion—not including the amendments this afternoon—for 2004, and $256 billion I think over a 10-year period of time, using budget points of order. A budget point of order lies against this amendment as well.

So I compliment Senator COCHRAN for his leadership and urge our colleagues who are pushing this amendment to postpone it, hold it back another day, or find offsets to help pay for it. That is what we did last year. It had strong support last year after it was paid for.

If memory serves me correctly—and I am stretching it—early last year we considered this and, initially, people tried to pass it without offsets. Objections were raised and eventually some offsets were found. That was done in the early part of last year. That was done in February of 2003. I don't think we should just be adding another $2.5 billion to our debt and deficit in this manner. So I urge our colleagues, at the appropriate time, to support a budget point of order against this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, the amount just referred to as an urgent supplemental requested by the President of $3 billion is the money that is requested by the President for Florida's two hurricanes that just hit us. It does not include any amount for agricultural losses. The $3.1 billion includes Department of Defense losses, NASA losses, Small Business Administration losses. FEMA itself is $2 billion of that, with all of these ongoing expenses of the back-to-back hurricanes.

What is missing from the President's request is the agricultural losses, which are substantial, from these two hurricanes. For example, the citrus crop alone is over $½ billion in losses. The nursery industry, which is a huge industry in Florida, has losses of $½ billion.

Now, the question is, How do we address this? I was expecting that the President was going to include the agricultural losses in his request. He has not. So how do we address this, since the needs are obviously there?

Presently, there are discussions going on between my office and the sponsors of this amendment. There is a little bit in this amendment for Florida agricultural losses from the two hurricanes, but it is somewhere in the range of $150 million to $300 million. That is a drop in the bucket compared to what the elected Florida agriculture commissioner has totaled up the losses at, which is $2 billion.

It is my hope that we are going to be able on this amendment—if we proceed with this amendment, I will certainly support it because, as all of these Senators from the Midwest, both Republican and Democrat, say, disaster doesn't know anything about partisan politics. Disaster knows something about hitting people where it hurts them, and that is one of the reasons you have the Federal Government to protect people and to respond in times of disaster.

So I am going to help these Senators with their amendment. What I am hoping is that through our discussions we can expand this so it can be acceptable and address the needs of Florida agriculture after these back-to-back hurricanes. If those discussions are not fruitful, then it is my intention that I will offer an amendment to this bill for the disaster to Florida agriculture. That will be somewhere in the range of about a billion dollars in losses, which will not even get anywhere close to the estimated $2 billion, but it will be a step in the right direction.

Now, this is, as you know, ''no fooling'' time.

We have just been hit by two hurricanes. There is a third on the way. And until 2 days ago, that third one was headed for Florida. As a matter of fact, until a day ago, that third one was headed for Florida, and that centerline now on the projected path is shifting to the West, and that centerline is headed straight for the State of the Senator from Mississippi.

We know there is an error because in hurricane path projection, it can either go to the right or to the left. In the projected path, it can go all the way over into the panhandle of Florida, or it can go all the way to the left, as far as New Orleans. It is about a day out. It is churning in the Gulf of Mexico, moving in a northward direction.

What I am saying is if it continues on its present path to Mississippi or to Alabama or to Louisiana, there are going to be other Senators who are going to be in here trying to help their people. This Senator is going to help them when that happens because that is the right thing to do. Now it is the right thing to do to help the people of Florida.

I yield the floor, Mr. President.

Mr. COCHRAN. Mr. President, I do not know if there are other Senators who wish to continue to debate. If there are, this would be a good time to do it.

Mr. BAUCUS. Mr. President, very briefly, I heard two arguments from one Senator as to why this pending amendment, agricultural disaster assistance, should not pass. It is a very technical argument that it violates the Budget Act.

I remind my colleagues, the unanimous consent agreement that applies to this bill, to this amendment basically says first-degree amendments are in order: First-degree amendments are in order, that they be related to the text of the bill, homeland security, and also natural disasters.

This is a natural disaster amendment. It clearly is contemplated by the unanimous consent agreement. The argument was made: Not on this bill. That is clearly not an argument because the unanimous consent agreement clearly contemplates amendments that relate to natural disasters. So that argument is gone. That is wrong.

The second argument was made: Gee, the cost violates the Budget Act. A very simple point I make is if one wants to press that argument, it also applies to disaster assistance for the State of Florida.

Agricultural disaster assistance is the same as Florida hurricane disaster assistance under the Budget Act. They are the same. They are technically the same. There can be a point of order made against both. Sixty votes are required. I do not know whether the other side is going to make a point of order against the Florida hurricane disaster assistance. I frankly doubt it. I think it would be very unwise. The very same law, the Budget Act, applies to the pending amendment, which is the amendment providing for agricultural disaster assistance.

I say to my colleagues, what is sauce for the goose is sauce for the gander. We are Americans, and let's work together as Americans. Let's help people who need help, and those are our farmers, ranchers, and Floridians because of the hurricanes—all of us. I see no reason why a point of order should be made. And, second, if it is made, I see no reason why the point of order should be sustained. We are talking again about natural disasters that apply—this amendment does not apply to Florida, but it is tied with it because we are going to have that in the next several days. They are all the same. We are all in the same boat.

I very much hope this does not become a partisan political measure. I do not think it is. I remind my colleagues of the bipartisan support of this amendment. Senator BROWNBACK of Kansas is a cosponsor. Senator BURNS, my colleague from Montana, is a cosponsor of this amendment. Senator COLEMAN from Minnesota told me an hour ago he wants to be a cosponsor of this amendment. Senator ROBERTS of Kansas is a cosponsor of this amendment. Senator HAGEL of Nebraska is also a cosponsor of this amendment. I hope Senators can all work together. Let's help each other. Let us help people in various parts of our country, not only in Florida, but in other parts of America who are hurt very much by agricultural disasters.

Mr. President, I yield the floor. I do not know what the chairman has in mind, but I hope whatever it is we can move rather quickly.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I know some Senators who are interested in this issue are in discussions off the Senate floor, and pending completion of those, 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. BROWNBACK. 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. BROWNBACK. Mr. President, I wish to speak briefly in favor of the Baucus amendment because of the situation in my home State. Parts of my State have had the worst drought in a century. It is being compared by some veteran farmers to what they witnessed in the Dust Bowl era—crops withering and dying in the fields before the farmers' eyes without any ability to address it.

I grew up on a farm. My family still farms. I was secretary of agriculture in Kansas. I have seen these situations.

The one point I want to add—I think people pretty well understand these issues—what I want to address is that in some disaster relief—and we seem to be in a cycle because we have disasters hitting every year, but it is a compassionate society that tries to help those in the worst situation. But more than that, they do not win if they get hit by a disaster and then we do disaster drought assistance. I have not seen people come out ahead.

What we try to do is get them back toward zero so they do not lose too much money, so they can continue to farm and continue to operate their ranch and work their crops. That is what we are trying to do, to help people sustain themselves and not have to go out of business altogether. They are not hitting the jackpot when we pass these types of bills. They are simply trying to sustain themselves in their operations—a commodity-based business. Margins are thin, and it is difficult to make it. So we try to help them.

Crop insurance is helpful, it is important, but despite its critical value to farmers, it cannot mitigate effects of prolonged drought and its impact in the area. And the weather condition has been building for several years. Fortunately, in areas of my State this has broken. Not all areas.

I was at the State fair this past weekend and people continue to cite the problem they are having with the drought and this continuing cycle of lack of rainfall.

I support the Baucus amendment. I appreciate him raising it.

It is difficult because we are in a budget situation where we all want to get this budget more under control. Yet I do not think that is the place to do it in a situation where we have people suffering because of natural disasters or natural causes. So I am pleased that the amendment has been brought up. I am a cosponsor and am pleased to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I certainly appreciate the efforts of the Senator from Montana to make certain our farm families do not lose, as the Senator from Kansas said, because of the droughts that have periodically struck the Midwest. Missouri has suffered as well. I am very interested in this issue being worked out in a way that is satisfactory.

I do want to take a minute, though, on a different subject to thank the ranking member and the chairman for what I understand is an agreement on a sense-of-the-Senate resolution I have offered in the form of an amendment, and I think it is going to be added later on a voice vote. I believe it has been cleared on both sides. I wanted to make the Senate aware of the importance of this subject.

We had a situation in St. Louis last year where our local Jewish community was hosting the Maccabee Games. It is an international event where Jewish youths come and participate in effect in Olympic games. Obviously, it is an event with special security risks in today's day and age. Locally, we needed several hundred thousand dollars in extra funds for security.

The State had the Federal homeland defense money but not in the right account, and despite all of our efforts on a Federal, State, and local level, we were unable to free up dollars to provide for the necessary security. It ended up being okay, but it did not have to end up okay. As a result of that, I have become very interested in allowing at least some discretion on the part of the Secretary and the Director of the Office for State and Local Government Coordination to approve waiver applications on the part of the State to reprogram some of their Federal grant homeland money when some new kind of security issue arises that was unforeseen when they originally applied for those grants.

So the sense-of-the-Senate resolution in effect says that we ought to be able to do that. It is a first step toward what I hope will be a successful change in the law by allowing this kind of discretion in these kinds of cases.

I ask Senators to think about the situation because it could come up in anybody's State where an unforeseen new security risk arises and their local authorities have to spend substantial dollars in order to be able to deal with it. That is exactly what we have this

homeland defense money for. Under certain circumstances, they will be unable to access it without some kind of discretionary waiver authority being allowed the department. I hope we can follow up on this sense-of-the-Senate resolution with an appropriate change in the underlying authorization.

Again, I appreciate the help of the Senator from Mississippi and the distinguished Senator from West Virginia in getting this amendment cleared.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. 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. COCHRAN. Mr. President, I am pleased to advise the Senate that we have been able to reach agreement to recommend approval of several amendments offered by Senators on both sides of the aisle. I am prepared to propound a unanimous consent request.

AMENDMENTS NOS. 3589, 3603, 3611, 3633, 3634, 3635, 3638, 3640, 3642, AND 3645, EN BLOC

I ask unanimous consent that the Senate proceed to the en bloc consideration of the following amendments: No. 3589 proposed by Mr. ALLARD; No. 3611 proposed by Ms. MIKULSKI; No. 3634 proposed by Mrs. BOXER; No. 3603 proposed by Ms. LANDRIEU; No. 3640 proposed by Mrs. BOXER; No. 3642 proposed by Mrs. BOXER; No. 3633 proposed by Mr. REED of Rhode Island; No. 3638 proposed by Mr. HATCH; No. 3635 proposed by Mr. FEINGOLD; and No. 3645 proposed by Mrs. DOLE.

I understand these amendments are cleared on both sides of the aisle, and I urge that they be adopted en bloc.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the amendments en bloc.

Mr. COCHRAN. I ask unanimous consent that the amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are agreed to.

The amendments were agreed to, as follows:

AMENDMENT NO. 3589

(Purpose: To provide for a report on common geospatial awareness of critical infrastructure)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives and to the Committee on Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the implementation of Homeland Security Presidential Directive Seven.

(b) The report under this section shall include—

(1) the Department's plan and associated timeline for the mapping of the United States critical infrastructure;

(2) an assessment of the resource requirements of relevant States, counties, and local governments so that full participation by those entities may be integrated into the plan;

(3) the Department's plan for oversight of all geospatial information systems management, procurement, and interoperability; and

(4) the timeline for creating the Department-wide Geospatial Information System capability under the direction of the Chief Information Officer.

AMENDMENT NO. 3603

(Purpose: To require a GAO report on employment discrimination complaints relating to employment in airport screener positions in the Transportation Security Administration)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Congress finds that (1) there is disproportionate number of complaints against the Transportation Security Administration for alleged violations of equal employment opportunity and veterans' preference laws as those laws apply to employment of personnel in airport screener positions in the Transportation Security Administration, and (2) there is a significant backlog of those complaints remaining unresolved.

(b)(1) Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the personnel policies of the Department of Homeland Security that apply to the employment of airport screeners in the Transportation Security Administration, particularly with regard to compliance with equal employment opportunity and veterans' preference laws.

(2) The report under this subscription shall include an assessment of the extent of compliance of the Transportation Security Administration with equal employment opportunity and veterans' preference laws as those laws apply to employment of personnel in airport screener positions in the Transportation Security Administration, a discussion of any systemic problems that could have caused the circumstances giving rise to the disproportionate number of complaints described in subsection (a), and the efforts of the Secretary of Homeland Security and the Under Secretary for Border and Transportation Security to eliminate the backlog of unresolved complaints and to correct any systemic problems identified in the report.

(3) In conducting the review necessary for preparing the report, the Comptroller General shall examine the experience regarding the airport screener positions at particular airports in various regions, including the Louis Armstrong New Orleans International Airport.

AMENDMENT NO. 3611

(Purpose: To ensure the fiscal year 2004 overtime cap applies to certain Customs Service employees)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Notwithstanding any other provision of law, the fiscal year 2004 aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000 and the total amount appropriated by title II under the heading ''CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES'' is hereby reduced by $1,000,000.

AMENDMENT NO. 3633

(Purpose: To require a report on processes for issuing required permits for proposed liquefied gas marine terminals)

On page 14, line 19, strike the period and insert the following: '': *Provided further*, That not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives, a report on opportunities for integrating the process by which the Coast Guard issues letters of recommendation for proposed liquefied natural gas marine terminals, including the elements of such process relating to vessel transit, facility security assessment and facility security plans under the Maritime Transportation Security Act, and the process by which the Federal Energy Regulatory Commission issues permits for such terminals under the National Environmental Policy Act: *Provided further*, That the report shall include an examination of the advisability of requiring that activities of the Coast Guard relating to vessel transit, facility security assessment and facility security plans under the Maritime Transportation Security Act be completed for a proposed liquefied natural gas marine terminal before a final environmental impact statement for such terminal is published under the Federal Energy Regulatory Commission process.''.

AMENDMENT NO. 3634

(Purpose: To require reports on the Federal Air Marshals program)

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the Secretary of Homeland Security shall provide to the Committee on Commerce, Science, and Transportation and the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate, a classified report on the number of individuals serving as Federal Air Marshals. Such report shall include the number of Federal Air Marshals who are women, minorities, or employees of departments or agencies of the United States Government other than the Department of Homeland Security, the percentage of domestic and international flights that have a Federal Air Marshal aboard, and the rate at which individuals are leaving service as Federal Air Marshals.

AMENDMENT NO. 3635

(Purpose: To provide a data-mining report to Congress)

At the appropriate place, insert the following:

SEC. ____. DATA-MINING REPORT.

(a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term ''data-mining'' means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government;

(B) the search does not use a specific individual's personal identifiers to acquire information concerning that individual; and

(C) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist, criminal, or other law enforcement related activity.

(2) DATABASE.—The term ''database'' does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES.—

(1) REQUIREMENT FOR REPORT.—The head of each agency in the Department of Homeland Security or the privacy officer, if applicable, that is engaged in any activity to use or develop data-mining technology shall each submit a public report to Congress on all such activities of the agency under the jurisdiction of that official.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology, the plans for the use of such technology, the data that will be used, and the target dates for the deployment of the data-mining technology.

(B) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(C) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(D) Any necessary classified information in an annex that shall be available to the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be submitted not later than 90 days after the end of fiscal year 2005.

AMENDMENT NO. 3638

(Purpose: To retain the uniqueness of the United States Secret Service within the Department of Homeland Security)

At the appropriate place, insert the following:

SEC. ____. None of the funds available in this Act shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department function, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

AMENDMENT NO. 3640

(Purpose: To protect the security of the Federal Air Marshals)

On page 39, between lines 5 and 6, insert the following new section:

SEC. 5____. No funds appropriated or otherwise made available by this Act shall be used to pursue, implement, or enforce any law, procedure, guideline, rule, regulation, or other policy that exposes the identity of an air marshal to any party not designated by the Secretary of the Department of Homeland Security.

AMENDMENT NO. 3642

(Purpose: To require a report on protecting commercial aircraft from the threat of man-portable air defense systems)

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. (a) The Secretary of Homeland Security, in coordination with the head of the Transportation Security Administration and the Under Secretary for Science and Technology, shall prepare a report on protecting commercial aircraft from the threat of man-portable air defense systems (referred to in this section as ''MANPADS'').

(b) The report required by subsection (a) shall include the following:

(1) An estimate of the number of organizations, including terrorist organizations, that have access to MANPADS and a description of the risk posed by each organization.

(2) A description of the programs carried out by the Secretary of Homeland Security to protect commercial aircraft from the threat posed by MANPADS.

(3) An assessment of the effectiveness and feasibility of the systems to protect commercial aircraft under consideration by the Under Secretary for Science and Technology for use in phase II of the counter-MANPADS development and demonstration program.

(4) A justification for the schedule of the implementation of phase II of the counter-MANPADS development and demonstration program.

(5) An assessment of the effectiveness of other technology that could be employed on commercial aircraft to address the threat posed by MANPADS, including such technology that is—

(A) either active or passive;

(B) employed by the Armed Forces; or

(C) being assessed or employed by other countries.

(6) An assessment of alternate technological approaches to address such threat, including ground-based systems.

(7) A discussion of issues related to any contractor liability associated with the installation or use of technology or systems on commercial aircraft to address such threat.

(8) A description of the strategies that the Secretary may employ to acquire any technology or systems selected for use on commercial aircraft at the conclusion of phase II of the counter-MANPADS development and demonstration program, including—

(A) a schedule for purchasing and installing such technology or systems on commercial aircraft; and

(B) a description of—

(i) the priority in which commercial aircraft will be equipped with such technology or systems;

(ii) any efforts to coordinate the schedules for installing such technology or system with private airlines;

(iii) any efforts to ensure that aircraft manufacturers integrate such technology or systems into new aircraft; and

(iv) the cost to operate and support such technology or systems on a commercial aircraft.

(9) A description of the plan to expedite the use of technology or systems on commercial aircraft to address the threat posed by MANPADS if intelligence or events indicate that the schedule for the use of such technology or systems, including the schedule for carrying out development and demonstration programs by the Secretary, should be expedited.

(10) A description of the efforts of the Secretary to survey and identify the areas at domestic and foreign airports where commercial aircraft are most vulnerable to attack by MANPADS.

(11) A description of the cooperation between the Secretary and the Administrator of the Federal Aviation Administration to certify the airworthiness and safety of technology and systems to protect commercial aircraft from the risk posed by MANPADS in an expeditious manner.

(c) The report required by subsection (a) shall be transmitted to Congress along with the budget for fiscal year 2006 submitted by the President pursuant to section 1105(a) of title 31, United States Code.

AMENDMENT NO. 3645

(Purpose: To provide that funds appropriated to the Bureau of Customs and Border Protection be used to enforce the provisions relating to textile transshipments provided for in the Customs Border Security Act of 2002, and for other purposes)

On page 6, line 2, strike the period and insert '': *Provided further*, That of the total amount provided, not less than $4,750,000 may be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107–210; 116 Stat. 988 et seq.).''.

On page 8, line 18, strike the period and insert '': *Provided further*, That of the total amount provided for, not less than $4,750,000 shall be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107–210; 116 Stat. 988 et seq.).''.

AMENDMENT NO. 3638

Mr. HATCH. Mr. President, I rise to speak in favor of an amendment that I offer together with my colleague from Vermont, Senator LEAHY. Senator LEAHY serves as ranking democrat member of the Judiciary Committee, which I chair.

The purpose of the Hatch-Leahy amendment is to help ensure that the United States Secret Service continues to carry out its most critical functions, including the protection of the President of the United States. The Secret Service has a distinguished history over a 139 year period of protecting the President and protecting the financial institutions of this country.

This amendment clarifies that the Secret Service shall be maintained as a distinct entity within the Department of Homeland Security, forbidding it from being merged with any other subunit within the Department. And, it makes clear that Secret Service personnel report directly to the Director of the Secret Service who, in turn, reports directly to the Secretary of Homeland Security.

It is important that the Secretary not re-delegate any of his or her authority to other DHS officials or entities nor to unduly interfere with the unique historical relationship that exists between the President and White House and the Secret Service. That is the intent of the Hatch-Leahy Amendment.

This is a codification of what was originally intended when we created the Department of Homeland Security and ensures that the Secret Service operates within the Department of Homeland Security just as it did prior to September 11 within the Department of Treasury.

Given its proven track record of performance and independence, we must

guard against this relatively small but critical agency from being lost in or swallowed up by the myriad of programs and entities within the new Department of Homeland Security. Any attempt by DHS managers, however well-intentioned, to interpose themselves in the decision making processes, resource allocations, and field operations of the Secret Service should be avoided.

Simply stated, there is much wisdom in the old saying that ''if it ain't broke, don't fix it.'' The Secret Service has operated well in the past and operates well today. The Hatch-Leahy Amendment will help provide the autonomy and responsibility that will help keep the Secret Service operating well in the future.

We made a similar clarification with the Coast Guard and should do the same for the Secret Service. I believe that this clarification of intent, and delineation of reporting requirements, will ensure that the mission of the Secret Service remains clear, definite, and unimpeded.

Senator LEAHY and I urge all of our colleagues to support this important amendment which I understand is supported by the administration.

Mr. LEAHY. Mr. President, I have worked closely with the United States Secret Service for many years. Their tradition of excellence and the quality of their protective services and investigations is well known. I know that the Sergeant at Arms of the Senate, William Pickle, proudly served with them for many years.

As the chairman and ranking member of the Judiciary Committee, with jurisdiction regarding United States Secret Service matters, Senator HATCH and I have introduced an amendment to ensure that the Service remains a distinct entity within the Department of Homeland Security. It is important that the Secret Service continue, as they did under the Department of the Treasury, to function as a cohesive unit and not have its functions divided. It is also important that the Secret Service, as they did under the Department of the Treasury, not be merged with other agencies which would dilute the Service's ability to achieve their crucial mission. It is also important to preserve their current chain of command structure.

Our amendment requires that the United States Secret Service be maintained as a ''distinct entity within the Department of Homeland Security'' and that the Secret Service not be merged with any other Department function. Further, our amendment requires that all personnel and operational elements of the Service report at all times to ''the Director of the United States Secret Service'' who shall report directly to the Secretary of Homeland Security without having to report through other officials.

The United States Secret Service is doing an outstanding job in tough times and this amendment will assure that they keep fully devoted to their critical missions in the same excellent manner as they have done in the past.

I hope all Members will join us in including this important amendment in the Department of Homeland Security appropriations bill.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. 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. BYRD. 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.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer an amendment.

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

AMENDMENT NO. 3649

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. LEVIN, Mr. BINGAMAN, and Mr. FEINGOLD, proposes an amendment numbered 3649.

Mr. BYRD. 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 as follows:

(Purpose: To fulfill Homeland Security promises)

At the appropriate place, insert the following:

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration relating to aviation security services pursuant to the amendments made by the Aviation and Transportation Security Act (115 Stat. 597), $70,000,000, to remain available until expended, for activities relating to screening passengers and carry-on baggage for explosives.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses,'' $20,000,000, for non-homeland security missions (as defined in section 888(a) of the Homeland Security Act of 2002 (6 U.S.C. 468(a))).

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements,'' $80,000,000, to remain available until September 30, 2009, for the Integrated Deepwater Systems program.

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

STATE AND LOCAL PROGRAMS

For additional amounts for ''State and Local Programs,'' $225,000,000: *Provided*, That of the amounts made available under this heading, $100,000,000 shall be available for discretionary grants for use in high-threat, high-density urban areas as determined by the Secretary of Homeland Security, and $125,000,000 shall be for port security grants.

MASS TRANSIT AND RAIL SECURITY

For necessary expenses relating to mass transit, freight and passenger rail security grants, including security grants for the National Railroad Passenger Corporation, a backup communications facility for the Washington Area Metropolitan Transit Authority, security upgrades for various rail tunnels, research and development of rail security methods and technology, capital construction, and operating requirements, $75,000,000.

SEC. ____. PROHIBITION ON ACQUISITION OF PETROLEUM PRODUCTS FOR STRATEGIC PETROLEUM RESERVE.

(a) FUNDING PROHIBITION.—None of the funds made available by this Act or any other Act may be used during fiscal year 2005 to acquire petroleum products for storage in the Strategic Petroleum Reserve.

(b) AMOUNTS OF OIL CURRENTLY UNDER CONTRACT FOR DELIVERY.—The Secretary of the Interior shall sell, in fiscal year 2005, any petroleum products under contract, as of the date of enactment of this Act, for delivery to the Strategic Petroleum Reserve in that fiscal year.

Mr. BYRD. Mr. President, the Senate has before it a $32 billion homeland security appropriations bill. Chairman COCHRAN has put together a fair and balanced bill. Regrettably, the allocation that is available for homeland security programs is simply inadequate. This is not a criticism of Chairman COCHRAN, nor is it a criticism of full committee Chairman TED STEVENS. The fact is that the overall levels in the allocation constrain our ability to address known threats to the safety of the American people.

In response to the threats so often invoked by the President, the Attorney General, the Secretary of Homeland Security, and the FBI Director, one might anticipate that the President would not be satisfied with a bill that cuts funds for first responders, that leaves first responders unable to communicate, that leaves airline passengers worrying about whether a fellow passenger has brought explosives on board, or that fails to adequately invest in securing our ports and trains.

To address these shortcomings, I offered an amendment last week to add $2 billion to the bill. The amendment would have funded authorizations signed by the President; it would have funded 9/11 Commission recommendations; and it would have addressed known vulnerabilities not funded in the committee bill.

The amendment was defeated. The principal argument made against the amendment was that it was not paid for. So today, I offer an amendment that provides $470 million for homeland security, and it is fully paid for.

Last March, during debate on the budget resolution, an amendment was adopted with support on both sides of the aisle. The amendment would have set up a reserve for homeland security programs. The reserve was paid for by directing the Secretary of the Interior to cancel planned deliveries of oil to the Strategic Petroleum Reserve and to instead sell the oil on the open market in order to finance homeland security programs.

As a provision on a budget resolution, that amendment did not have the force of law. Today, I offer an amendment that will make America safer.

The amendment adds funds for first responders that, consistent with the 9/11 Commission recommendation, will be allocated based on threat; for securing mass transit systems; for expediting the modernization of Coast Guard ships, planes and helicopters and improving Coast Guard operations; for purchasing equipment for screening passengers and carry-on baggage for explosives; and for port security.

The amendment addresses vulnerabilities that we all know exist. And, let there be no doubt, if we know that these gaps exist, so do the terrorists.

The amendment includes $125 million for port security grants, bringing the total in the bill to $275 million, the same level assumed in the budget resolution. A 1-month closure of a major port would cost our national economy $60 billion. But because of the tremendous volume of containerized cargo, Customs officials are inspecting only 5 percent of the 9 million containers that come into our ports on vessels each year. With Chairman COCHRAN's support, we have provided additional resources on the floor for Customs and Border Protection inspectors. But, we must do more for securing the ports.

The Coast Guard has estimated that $1.125 billion will be needed in the first year and $5.4 billion will be needed over the next 10 years for the ports to comply with the Federal regulations mandated by the Maritime Transportation Security Act, which was signed into law by President Bush with great fanfare in November 2002. It has been 2 years since the law was signed. If this amendment is adopted and becomes law, Congress will have approved only $770 million for port security, far less than the $1.125 billion Coast Guard estimate for the first year of implementation.

It has been more than 2½ years since Richard Reid, the so-called ''shoe bomber,'' tried to blow up a Miami-bound aircraft over the Atlantic Ocean with explosives he carried onto the aircraft. Last month, two Russian airplanes simultaneously were blown out of the sky, most probably by Chechnyan terrorists who carried the explosives on board the aircraft. The 9/11 Commission Report states clearly and succinctly that the threat posed to passenger aircraft by explosives being carried onto the plane is real.

The additional $70 million in this amendment will significantly expand the effort to screen air travelers for explosives. We know that newly developed passenger portals can detect whether passengers are carrying explosives. These systems have been tested and proven to work. We need the money to physically deploy these systems at our Nation's airports.

Following the March 11 Madrid railroad bombings, the administration issued security bulletins to law enforcement officials and transit authorities warning of the danger of similar attacks here at home. But they requested no funding to help our mass transit agencies hire more guards, train new canine teams, or install additional cameras. Paper directives and press releases will not stop terrorist bombs.

With Chairman COCHRAN's support, we have provided $278 million for mass transit security grants. But that level does not come close to the level authorized by the Senate Banking Committee, on a bipartisan basis, on May 6, 2004. The committee authorizes $5.2 billion for transit security. On May 21, 2004, the Senate Commerce Committee, also on bipartisan basis, approved S. 2273, which authorizes $1.2 billion for additional rail security activities. My amendment would add $75 million for mass transit and Amtrak security.

The 9/11 Commission recommends allocating first responder funds based on threat rather than on population. My amendment adds $100 million to the $875 million currently provided in the Senate bill for urban area security initiative grants. These grants are targeted to cities determined to be at greatest risk of a terrorist attack, that have the highest number of critical assets, such as tunnels, bridges and chemical plants, and that have high population densities. We need to get funds to the places most at risk.

My amendment also includes $100 million for the Coast Guard, including $80 million for the Deepwater Program and $20 million for traditional Coast Guard missions, such as search and rescue and protection of our marine resources. The committee bill funds these activities at levels $575 million below the levels just authorized by the Congress and the President.

Prior to September 11, 2001, the Coast Guard began to modernize its fleet of assets. Since the attacks on 9/11, the Coast Guard's responsibilities have grown substantially. As a result, assets vital to homeland security are being used more today than ever in the Coast Guard's history. The Government Accountability Office recently reported that ''resource usage as measured by the number of hours the Coast Guard's cutters, boats, and aircraft used to perform its missions—was up almost 40 percent from the pre-September 11 baseline.''

The Coast Guard Commandant, in testimony before the Senate Appropriations Subcommittee on Homeland Security, testified that the current condition of the aging fleet threatens Coast Guard mission performance. He testified that Coast Guard assets are in a ''declining readiness spiral.''

Yet, the President has not responded. My amendment will help address the Coast Guard's ''declining readiness spiral.'' The funding would go to accelerate the Coast Guard's highest priorities, which are to enhance safety and reliability on the HH–65 helicopter, to accelerate the design of the fast response cutter for near shore missions, and to complete design of the offshore response cutter for the high endurance missions of the Coast Guard.

The amendment is paid for by suspending the fill of the Strategic Petroleum Reserve. This step makes economic sense. Using Federal dollars to buy high-priced oil for the reserve does not. Oil prices hit an all-time high on August 20, and oil is currently trading at about $44 per barrel. By filling the reserve in this high-priced environment, we are paying more for oil now than we would if we waited until prices went down. This makes no sense for U.S. taxpayers.

Suspending the fill of the reserve in no way threatens our energy security. The reserve is already filled to 96 percent capacity, with 669 million barrels now stored, the highest level that it has ever been. The reserve currently covers 67 days of import capacity.

Buying oil when the market is so high makes no economic sense. It is a bad deal for the taxpayer. Failing to fund critical homeland security measures that the 9/11 Commission has recommended and that address clear vulnerabilities is also a bad deal for the taxpayer. This amendment is a good deal.

I urge Members to support this amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COCHRAN. Mr. President, I was going to respond to the Senator's comments and his amendment which would add funding to this bill in the amount of $470 million for the Department of Homeland Security.

I don't know at what point we want to consider the fact that, because of the way it is drafted, the impact the amendment would have on future appropriations for fiscal year 2006 would actually, according to the Budget Committee staff and chairman, violate the Budget Act and that a point of order would lie against this amendment.

Reluctantly and with great respect for my friend from West Virginia, I am constrained to make that point of order. Rather than going through all the talking points that my staff has prepared on the subject of the individual amounts to be added by the amendment and the offsets that are identified, which is the Strategic Petroleum Reserve, I am constrained to make a point of order.

Mr. LEVIN. I wonder if the Senator would withhold making the point of

order for a few minutes so I have an opportunity to speak in support.

Mr. COCHRAN. I am happy to reserve that right and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi yields the floor.

The Senator from Michigan.

Mr. LEVIN. I greatly appreciate my old friend from Mississippi yielding.

We are in an energy crisis. I will speak about that part of the Byrd amendment particularly, which would use the money from not continuing to fill the 96-percent filled Strategic Petroleum Reserve and taking the money that would then be made available and using it for some critical homeland security needs.

I congratulate the Senator from West Virginia for both identifying some very significant needs in the homeland security area, as well as paying for it in a very rational way; that is, to suspend further deliveries into the Strategic Petroleum Reserve.

The energy crisis is obvious. We are paying a record amount per barrel for oil. The addition of these millions of barrels to the Strategic Petroleum Reserve is significantly adding to the cost of oil and is weakening our economy.

Last week, Alan Greenspan stated:

> [E]conomic activity hit a soft patch in late spring. . . . That softness in activity no doubt is related, in large measure, to this year's steep increase in energy prices.

Chairman Greenspan further stated:

> Most macroeconomic models treat an increase in oil prices as a tax on U.S. residents that saps the purchasing power of households and raises costs for businesses.

Yet in the face of this crisis, the administration is decreasing rather than increasing the supply of oil. Day after day, month after month, regardless of how much American consumers and industry need oil, regardless of how high the cost is of this oil, the administration has been taking millions of barrels of oil off the market and depositing them into the Strategic Petroleum Reserve. And by doing that, the administration is increasing the price of oil and gasoline and decreasing our energy security.

The use to which the $470 million that would be saved by using this oil in the commercial market rather than depositing it into a reserve—which is already 96 percent filled—those uses provide a win-win situation for national security and energy security. For energy security, we would have this energy placed into the private sector, into commercial inventories, rather than into the Petroleum Reserve. For national security, the way in which the Senator from West Virginia would use these funds—for airline security, port security, mass transit and rail security, firefighter grants, State and homeland security grants—these are all very important needs and uses.

Now, very quickly, supplies are tight. That is the reason crude oil prices are high. Demand is strong. Commercial inventories are low. Supplies are vulnerable. Supplies are tight because OPEC is producing barely enough oil to meet demand. Private sector inventories of crude oil are near the lows, historically, for this time of year. Of course, there is also great concern over the vulnerability of Iraqi oil supplies to terrorism—we see that again today—the problems in Russia with Yukos, the largest oil company in that country; and the turmoil in Nigeria and Venezuela, which have added a premium to prices.

Over the last 2 years, private sector inventories have declined significantly. Last January, private sector inventories fell to their lowest levels since the mid-1970s. The SPR Program is a major reason for the decline in private inventories. From April 2002 through December 2003, the Department of Energy deposited about 78 million barrels of oil in SPR. During that same period, private sector inventories declined by about 61 million barrels. Thus, the total amount of oil in inventory in the United States in both private and public storage increased by only 17 million barrels over this entire period.

The SPR Program is directly the reason for recent price increases to the extent of somewhere between 10 cents and 25 cents a gallon when looking at gasoline.

Goldman Sachs, one of the largest and most successful crude oil traders in the world, reported, on January 16 of this year, that ''large speculative positions, builds in strategic petroleum reserves, and low inventory coverage have contributed to current price levels.'' In this report, Goldman Sachs also stated that ''past government storage builds will provide persistent support for the market,'' and that ''current plans for the injection of 130 thousand [barrels a day] of royalty-in-kind barrels into the US Strategic Petroleum Reserve (SPR) between now and the end of September . . . will likely provide even further support.''

Goldman Sachs estimated that the strategic reserve programs in the United States and Europe in 2003 and 2004 are adding about $4.25 to the price of each barrel of crude oil sold in the United States.

Now, DOE's plans, regardless of the price of oil, are to continue to deposit oil into the Petroleum Reserve. Until late 2001, the policy of the Department of Energy was to buy oil for the Strategic Petroleum Reserve when prices were low and to buy less oil when prices were high. That policy was explained by DOE officials, in late 2001, to energy officials in other countries, and the presentation was entitled: ''The Key To A Successful Strategic Reserve Is Cost Control.'' The DOE identifies the ''Lessons Learned to Control Oil Acquisition Costs'' as follows—this was the DOE, before they changed their policy in 2002—1, ''let the markets determine your buying pattern;'' 2, ''buy in weak markets;'' 3, ''delay delivers during strong markets;'' and 4, ''use your acquisition strategy to stabilize markets.''

That was prior to early 2002. They have now reversed it. Instead of buying low and selling high, they are buying high and shorting supply. It makes absolutely no sense to do this. We are all paying more for the price of gasoline and heating oil and jet fuel as a result of this policy. We should stop continuing to deposit oil into the Strategic Petroleum Reserve, which is 96 percent filled. And when we do this in a tight supply, which is now the case, we are adding to gasoline prices alone somewhere between 10 and 25 cents per gallon.

Indeed, ''buy low, sell high'' is just plain common sense. Unfortunately, in early 2002, the Department of Energy abandoned this commonsense approach. Instead, since early 2002, DOE has been buying oil for the SPR without regard to the price of oil. No matter how high the price of oil has been or will be, DOE has been and will be buying more and more oil for the SPR.

Since over this period the price of oil has been very high—often over $30 per barrel—and the oil markets have been tight, this cost-blind approach has increased the costs of the program to the taxpayer and put further pressure on tight oil markets, thereby helping boost oil and gasoline prices to American consumers and businesses.

It is a rip-off of the taxpayers to pay $45 a barrel for oil in today's market, when the same oil could be acquired for $10 to $15 a barrel less in a couple of years.

We need oil in the private sector more than in the SPR. In the current tight market, there is a critical need to prevent minor shortages or disruptions from causing major price spikes. Increasing private inventories, not the SPR, is the best way to meet this need.

Canceling the deposits into the SPR could lower gasoline prices by 10 to 15 cents a gallon. Each $1 increase in the price of oil increases gasoline prices by about 2.5 cents. Depending on which estimates of the effect of the SPR fill is correct, postponing the upcoming SPR deposits therefore could lower gasoline prices by 10 to 25 cents.

Postponing SPR deliveries will signal speculators that the U.S. Government is willing to take action to put a lid on increasing prices. The administration has repeatedly stated that it will keep on filling the SPR regardless of price. The market, therefore, correctly believes DOE will not stop SPR deliveries or release SPR oil no matter how high the price of oil. This has eliminated an important potential brake on speculation that prices will keep rising. In effect, the administration's statements have taken off any lid on prices. Stopping SPR deliveries will signal this is not the case, and could take speculative steam out of the market.

In 2002, DOE SPR staff urged the postponement of deliveries in tight markets. In 2002, when the administration told DOE to change its policy and buy oil for the SPR regardless of the price, the DOE career staff attempted

to persuade the administration to retain the old policy of taking price into consideration.

DOE staff wrote the new policy:

[I]s a business model different from that followed by all private market participants, and if followed by a significant number of market participants would lead to explosive price swings.

In another memo, DOE SPR staff reported the current policy ''appears irrational to the market place.''

In spring 2002, as prices were rising and inventories falling, the DOE SPR staff recommended that DOE postpone filling the SPR:

This is good public policy. Commercial inventories are low, retail prices are high and economic growth is slow. The Government should avoid acquiring oil for the Reserve under these circumstances.

The market conditions today are the same as they were in 2002 when the DOE SPR staff recommended that SPR deliveries be postponed.

Many other oil industry leaders and economists believe now is not the time to fill the SPR.

In May of this year, Bill Greehey, CEO of Valero Energy, the largest independent refiner in the U.S., said:

They tell Saudi Arabia to produce more oil. Then they put it into Strategic Petroleum Reserve. It just doesn't make any sense at all.

Writing in Forbes magazine, Professor Steve Hanke of Johns Hopkins University, commented:

The oil price run-up and scarcity of private inventories can be laid squarely at the White House's door. Since Nov. 13, 2001 private companies have been forced to compete for inventories with the government.

This May, The Houston Chronicle stated:

With oil at more than $40 a barrel and the federal government running a huge deficit, it should take a timeout on filling the stockpile until crude prices come down from record levels. That would relieve pressure on the petroleum market and ameliorate gasoline prices.

A leading energy consulting firm, PFC Energy, wrote this May:

The Bush Administration has actually been helping OPEC to keep spot prices high and avoid commercial stock increases by taking crude out of the market and injecting significant volumes into the SPR.

Mr. President, I ask unanimous consent that a list of other comments be included in the RECORD.

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

(See exhibit 1.)

Mr. LEVIN. The Senate has twice acted on this issue to restore some common sense to our SPR policy. The Senate passed an amendment Senator COLLINS and I offered, by a bipartisan vote of 52 to 43, SPR deliveries and use the receipts from the sale of the royalty oil for homeland security programs. The Senate amendment regrettably was not retained in conference.

Last fall, the Senate unanimously passed an amendment to the Interior Appropriations Bill that Senator COLLINS and I offered that would have required DOE to adopt procedures to acquire oil for the SPR in a manner that minimizes the program's cost to the taxpayers while maximizing our overall energy security. The Senate amendment was not retained in conference, and, unfortunately, DOE has chosen to ignore the Senate's direction in the amendment.

The major reason given by DOE for not postponing any of the scheduled shipments into the SPR is that, according to DOE, the amount of oil that is placed into the SPR is only a small fraction of the global daily supply and demand. This comparison is not relevant in a tight market. The amount that is being put into the SPR is about as much as is produced in several of our own States—Wyoming or Oklahoma, for example. It is about three-quarters of our daily imports from Kuwait. In a tight market, this additional demand can cause a large price increase. Moreover, these daily deposits add up to a lot of oil over weeks and months. The Department of Energy's own documents explain this effect as follows:

Essentially, if the SPR inventory grows, and OPEC does not accommodate that growth by exporting more oil, the increase comes at the expense of commercial inventories. Most analysts agree that oil prices are directly correlated with inventories, and a drop of 20 million barrels over a 6-month period can substantially increase prices.

I support the filling of the SPR, but not at any price. DOE, like any well-managed business, should acquire more oil when prices are low, and less when prices are high. DOE should not be diverting crude oil from depleted private-sector inventories when prices are high and supplies are tight. Deferring further shipments to the SPR at this time will reduce energy prices, lower taxpayer costs, and help strengthen our economy. It will also make about $470 million available for vital homeland security programs.

Clearly, now is not the time to be taking more oil off the market. This amendment is a win-win for consumers, taxpayers, and the Government.

I urge the adoption of the amendment.

Mr. President, I commend the Senator from West Virginia for his amendment, for both parts of it, for both adding money to needed homeland security needs but also finding the source from suspending deposits in the Strategic Petroleum Reserve.

EXHIBIT 1

COMMENTS ON THE SPR PROGRAM

''Commercial petroleum inventories are low, retail product prices are high and economic growth is slow. The Government should avoid acquiring oil for the Reserve under these circumstances. . . . Essentially, if the SPR inventory grows, and OPEC does not accommodate that growth by exporting more oil, the increase comes at the expense of commercial inventories. Most analysts agree that oil prices are directly correlated with inventories, and a drop of 20 million barrels over a 6-month period can substantially increase prices.'' John Shages, Director, Office of Finance and Policy, Strategic Petroleum Reserves, U.S. Department of Energy, Spring 2002.

''As a U.S. Senate committee pointed out Wednesday, the U.S. government was filling the Strategic Petroleum Reserve last year as prices were rising. And by my estimate, had the U.S. government not filled the Strategic Petroleum Reserve or returned the 20 million barrels they'd put in back to the market, prices right now would be around $28 a barrel instead of $38 a barrel and gasoline prices might be 25 to 35 cents lower.'' Philip Verleger, NPR Morning Edition, March 7, 2003.

''We believe the administration has been making a mistake by refilling the reserve to the tune of about 11 million barrels since the start of May. . . . Washington should back off until oil prices fall somewhat. Doing otherwise is costing the Treasury unnecessarily and is punishing motorists during summer vacation driving time.'' Omaha World Herald, August 14, 2003.

''They've continued filling the reserve—which is crazy, putting the oil under ground when it's needed in refineries.'' Dr. Leo Drollas, Chief Economist, Centre for Global Energy Studies, The Observer, August 24, 2003.

''If that was going into inventory, instead of the reserve, you would not be having $29 oil, you'd be having $25 oil. So, I think they've completely mismanaged the strategic reserve.'' Bill Greehey, CEO of Valero Energy, largest independent refiner in the U.S., Octane Week, September 29, 2003.

''Over the last year, the [DOE] has added its name to this rogues list of traders by continuing to acquire oil for the nation's Strategic Petroleum Reserve (SPR). In doing so, it has (1) wasted taxpayer money, (2) done its part to raise crude oil prices, (3) made oil prices more volatile, and (4) caused financial hardship for refiners and oil consumers.'' Philip K. Verleger, Jr., The Petroleum Economics Monthly, December 2003.

''U.S. taxpayers and the economy would realize greater economic potential with a more prudent management of this national asset by not further filing the SPR under the current market structure. The DOE should wait for more favorable prices before filing the reserve both today and in the future.'' Richard Anderson, CEO, Northwest Airlines, NWA WorldTraveler, January 2004.

''The government is out buying fuel, it appears, without much regard for the impact that it is having on prices.'' James May, Chief Executive, Air Transport Association, quoted in U.S. Airlines Blame Bush for Cost of Oil, Associated Press, January 2004.

''Government storage builds have lowered commercially available petroleum supplies'' and ''will provide persistent support to the markets.'' ''Changes in global government storage injections will have [a] big impact on crude oil prices.'' Goldman Sachs, Energy Commodities Weekly, January 16, 2004.

''The average price per barrel for 2003 was the highest in 20 years and to date, the price for 2004 is even higher. All the while, our government continues to depress inventory stocks by buying oil at these historic highs and then pouring it back into the ground to fill the strategic petroleum reserve.'' Larry Kellner, President and Chief Operating Officer, Continental Airlines, Continental Airlines Earnings Conference Call, January 20, 2004.

''The act of building up strategic stocks diverts crude supplies that would otherwise have entered the open market. The natural time to do this is when supplies are ample, commercial stocks are adequate and prices low. Yet the Bush Administration, contrary to this logic, is forging ahead with plans to add [more oil to] the stockpile.'' Petroleum Argus, January 26, 2004.

[Bill O'Grady, Director of Futures Research at A.G. Edwards, Inc.] also notes the Bush administration has been on an oil-buying binge to stock the nation's strategic petroleum reserves. He guesses that artificial demand boost is adding as much as 15 cents to the cost of a gallon of gas.'' Las Vegas Review-Journal, February 29, 2004. [West Coast gasoline about $2/gallon at the time].

''When the government becomes a major purchaser of oil, it only bids up the price exactly when we need relief. I know that you recently testified to Congress that the SPR fill has a negligible impact on the price of crude oil, but we politely disagree.'' Letter from American Trucking Association to Secretary of Energy Spencer Abraham, March 9, 2004.

''Normally, in Wall Street parlance, you're supposed to buy low and sell high, but in Strategic Petroleum Reserve actions, we're buying higher and higher and that has really helped keep oil prices high.'' Larry Kudlow, Kudlow & Cramer, CNBC, March 22, 2004.

''Filling the SPR, without regard to crude oil prices and the availability of supplies, drives oil prices higher and ultimately hurts consumers.'' Letter from 53 Members of the House of Representatives (39 Republicans, 14 Democrats) to President Bush, March 22, 2004.

''Despite the high prices, American officials continue to buy oil on the open market to fill their country's strategic petroleum reserves. Why buy, you might ask, when prices are high, and thereby keep them up? The Senate has asked that question as well. It passed a non-binding resolution this month calling on the Bush administration to stop SPR purchases; but Spencer Abraham, the energy secretary, has refused.'' The Economist, March 27, 2004.

''[T]he Energy Department plans to buy another 202,000 barrels a day in April. It can't resist a bad bargain.'' Alan Reynolds, Senior Fellow, CATO Institute, Investor's Business Daily, April 2, 2004.

''In my opinion, we have grossly mismanaged the SPR in the last 12 months. When Venezuela went on strike and we had the war in Iraq we probably should have drawn down some of the Reserve in order to build up supplies in the Gulf Coast of the U.S. We didn't do that. When the war was over we started adding to the Reserve, so we were actually taking oil out of the Market. We took something like 40–45 million barrels that would have gone into our inventories—we put in the strategic reserves. . . . We should have stopped filling the Reserves 6 months ago.'' Sarah Emerson, Managing Director, Energy Security Analysis, Inc., Interview, New England Cable News, April 4, 2004, 8:59 p.m.

''The administration continues to have its hands tied on the Strategic Petroleum Reserve, particularly with candidate Kerry's 'high ground' proposal to suspend purchases putting Bush in a 'me too' position.'' Deutsche Bank, Global Energy Wire, ''Election-Year Oil: Bush Painted into a Corner,'' April 6, 2004.

''At a time when supplies are tight and prospects for improvement are grim, Bush continues to authorize the purchase of oil on the open market for the country's Strategic Petroleum Reserve. Bush is buying serious quantities of oil in a high-price market, helping to keep it that way.'' Thomas Oliphant, Blatant Bush Tilt Toward Big Oil, Boston Globe, April 6, 2004.

''He pointed out that Senator Carl Levin, D–Mich. had a good idea earlier this month in proposing earlier this month cutting back the contribution level to the Strategic Petroleum Reserve, which Kerr said is 93 percent full. 'By reducing the input, it could provide a great deal more supply to help rein in prices a bit.' '' CBS MarketWatch, Gasoline, crude prices pull back, April 23, 2004, referring to the views of and quoting Kevin Kerr, editor of Kwest Market Edge.

''The Bush Administration has actually been helping OPEC to keep spot prices high and avoid commercial stock increases by taking crude out of the market and injecting significant volumes into the SPR.'' Crude Or Gasoline? Who Is To Blame For High Oil Prices: OPEC Or The US? Market Fundamentals & Structural Problems, PFC Energy, May 6, 2004.

''Kilduff said the Bush administration could have stopped filling the SPR, saying 'it's not the best move to start filling the SPR when commercial inventories were at 30-year lows.' '' John Kilduff, senior analyst, Fimat, in Perception vs. reality, CBS MarketWatch, May 17, 2004.

''Oppenheimer's [Fadel] Gheit said Bush's decision to fill the nation's Strategic Petroleum Reserve in the wake of the Sept. 11 attacks caused a crisis of confidence around the world that led to the perception of short supply and drove up prices. 'The administration has not tried hard to dispel notions and rumors and perceptions and concerns over supply disruption,' [said Gheit]. 'Gasoline prices are at record levels because of mismanagement on a grand scale by the administration.' '' Fadel Gheit, oil and gas analyst at Oppenheimer & Co., in Perception vs. reality, Camps debate Bush influence on Big Oil, CBS MarketWatch, May 17, 2004.

''With oil at more than $40 a barrel and the federal government running a huge deficit, it should take a timeout on filling the stockpile until crude prices come down from record levels. That would relieve pressure on the petroleum market and ameliorate gasoline prices.'' Houston Chronicle, Keep the oil in it, but take a timeout on filling it, May 18, 2004.

''They tell Saudi Arabia to produce more oil. Then they put it into the Strategic Petroleum Reserve. It just doesn't make any sense at all.'' Bill Greehey, CEO of Valero Energy, Washington Post, May 18, 2004.

''The Bush administration contributed to the oil price squeeze in several ways, according to industry experts. First, it failed to address the fact that demand for gasoline in the United States was increasing sharply, thanks to ever more gas guzzlers on the road and longer commutes. The administration also continued pumping 120,000 barrels a day of crude into the Strategic Petroleum Reserve, making a tight market even tighter.'' David Ignatius, Homemade Oil Crisis, Washington Post, May 25, 2004.

''How can the administration rectify its mistakes? It could calm the market by moving away from its emergency-only stance. It could also stop buying oil to add to the strategic reserve. The government has done a good job making sure that the reserve is at its 700-million barrel capacity. But now that we are close to that goal there is no reason to keep buying oil at exorbitant prices.'' Edward L. Morse and Nawaf Obaid, The $40-a-Barrel Mistake, New York Times, May 25, 2004.

''President Bush's decision to fill the reserve after the terror attacks of September 2001 has been one of the factors driving up oil prices in recent months, along with reports that China, which recently surpassed Japan as the second-largest importer of oil, is going ahead with plans to build its own petroleum reserve.'' Simon Romero, If Oil Supplies Were Disrupted, Then . . . New York Times, May 28, 2004.

''The oil price run-up and scarcity of private inventories can be laid squarely at the White House's door. Since Nov. 13, 2001 private companies have been forced to compete for inventories with the government.'' Steve Hanke, Oil and Politics, Forbes, August 16, 2004.

The PRESIDING OFFICER (Mr. TALENT). Who seeks recognition?

The Democratic leader is recognized.

AMENDMENT NO. 3636

Mr. DASCHLE. Mr. President, I know we have set aside the Baucus-Burns-Brownback et al. amendment. I just want to come to the floor to express my support for the amendment as well. This is a bipartisan effort. It is long overdue. As others have noted, the need is great. There are disasters around the country that have to be addressed, including some in South Dakota. It is not just the severity of the drought, but it is the length of time that drought has existed in some parts of our country, especially in South Dakota.

So I am very hopeful the Senate will express itself on a unanimous basis and provide the kind of support that our farmers and ranchers and others need. I hope the amendment will be adopted.

I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

Who seeks recognition?

The Senator from New Mexico is recognized.

AMENDMENT NO. 3649

Mr. BINGAMAN. Mr. President, I just want to speak briefly in support of Senator BYRD's amendment as well.

This amendment will make available to the market an additional 19 million barrels of oil that the Federal Government will receive in fiscal year 2005 as in-kind royalties. Without this amendment, the Federal Government would hold this oil off the market by putting it in the Strategic Petroleum Reserve in 2005. Because this Federal royalty oil would be sold, under this amendment it would generate an offset of $470 million, which the amendment then proposes to use for important homeland security measures, such as port security grants, aviation passenger screening, the Coast Guard, mass transit grants, and the SAFER Program.

It is important to note that the amendment will not take out of the Strategic Petroleum Reserve any oil that is now in the Reserve.

It is merely suspending further filling of the reserve. Suspending the fill of the Strategic Petroleum Reserve during times of high oil prices makes economic sense. Using Federal dollars to buy high-priced oil for the Strategic Petroleum Reserve does not make economic sense.

Oil prices hit an all-time high on the NYMEX on August 20, trading at $49.40 a barrel. Today oil is trading at close to $45 a barrel, which represents a price increase of more than 30 percent since the beginning of the year. By filling the Strategic Petroleum Reserve in this very high-priced environment, we are paying more for oil now than we would if we waited until prices went down.

Filling the Strategic Petroleum Reserve when oil prices are high costs

American taxpayers unnecessarily. It also puts more pressure on already tight fuel markets and keeps oil prices higher for longer.

The royalty-in-kind oil program used to fill the Strategic Petroleum Reserve was first envisioned in a low-price environment. The Government bought oil from domestic producers on Federal lands when prices were low in order to absorb some of the excess oil. The royalty-in-kind program was used to keep domestic oil prices from falling even further, but we were then talking about below $14 per barrel, not below the $45 per barrel which is currently prevailing. The royalty-in-kind program was not established to help high oil prices remain high, but buying in a high-priced environment has that exact effect.

Suspending the fill of the Strategic Petroleum Reserve does not pose an immediate security threat, as the Senator from Michigan pointed out. The reserve is already 96 percent of capacity, with 669 million barrels now stored. That is the highest level of storage we have ever had in the Strategic Petroleum Reserve. It currently covers 67 days of import capacity at a level of 10 million barrels per day of imports. Using scarce Federal dollars to fill the Strategic Petroleum Reserve while failing to fund necessary homeland security measures presents a security threat itself.

Some of you may recall—I think we all recall—that the Senate passed a similar amendment to this to the budget resolution that was considered earlier this year, the Levin-Collins amendment.

I urge support of Senator BYRD's amendment this evening. It will put our limited homeland security dollars to work in the most beneficial way for Americans.

I yield the floor.

AMENDMENT NO. 3636

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we are at a point now where I think we can proceed to dispose of an earlier amendment that was offered. If there is no objection to setting aside the pending Byrd amendment for that purpose, I ask unanimous consent that the Byrd amendment be set aside and that we proceed to a voice vote on the Baucus amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The question is on agreeing to the Baucus amendment No. 3636.

The amendment (No. 3636) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3649

Mr. COCHRAN. Mr. President, the Byrd amendment has been presented and discussed by the Senator from West Virginia, the Senator from Michigan, and the Senator from New Mexico. Compelling arguments have been made for the additional funds that would be made available to the Department of Homeland Security under this amendment. The difficulty, however, is that the amendment would provide appropriations that are not consistent with the Budget Act. Section 501 of H. Con. Res. 95, the fiscal year 2004 concurrent resolution on the budget, limits the amount and type of advance appropriations which may be provided for fiscal years 2005 and 2006. The pending amendment would provide advance appropriations for fiscal year 2006 which are not on the list of programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying the budget resolution.

Thus, I raise a point of order pursuant to section 501(b) of H. Con. Res. 95, the 108th Congress, against the pending amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. REID. 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. COCHRAN. 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. COCHRAN. I ask unanimous consent to set aside the pending amendment to permit the Senator from New York to offer an amendment.

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

The Senator from New York is recognized.

AMENDMENT NO. 3651

Mrs. CLINTON. Mr. President, I call up amendment No. 3651.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself and Mr. SCHUMER, proposes an amendment numbered 3651.

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

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

The amendment (No. 3651) is as follows:

(Purpose: To require the Federal Emergency Management Agency to allocate at least $4,450,000 of any funds previously made available in response to the September 11, 2001, attacks in New York City for continued mental health counseling services for emergency services personnel requiring additional assistance as a result of the September 11, 2001, terrorist attacks)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Of any funds previously made available to the Federal Emergency Management Agency in response to the September 11, 2001, attacks in New York City, not less than $4,450,000 shall be provided, subject to the request of the Governor of New York, to those mental health counseling service entities that have historically provided mental health counseling through Project Liberty to personnel of the New York City Police Department, the New York City Fire Department, and other emergency services agencies, to continue such counseling.

Mrs. CLINTON. Mr. President, I thank the chairman of the subcommittee, the Senator from Mississippi, and his excellent staff for their assistance in working out this amendment.

This is an amendment that would continue to provide funding for the mental health counseling that the fire department and police department and other first responders have been receiving because of their experiences arising out of September 11. We are finding that only now are some of the firefighters, police officers, and others coming forward and expressing their need for some kind of intervention and assistance.

This is a program that has worked very well. I am grateful for the Federal assistance to start this program, and we are hopeful that this amendment will enable FEMA, which already has money set aside arising out of already appropriated money for New York and for purposes like this, to obtain the requisite support they need to go forward with this mental health counseling. So I am very grateful that we have worked this out.

There is no new money in it, there is no new earmarking or appropriations; it is merely giving FEMA the go-ahead, with the appropriate authorization, to continue the mental health program that has proven so successful.

So, again, I appreciate greatly the chairman and his staff's assistance. I ask for a voice vote on this amendment, if appropriate at this time.

Mr. COCHRAN. Mr. President, we are happy this has been resolved. I think it improves the bill. We are ready to accept the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3651) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. 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.

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

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

Mr. COCHRAN. Regular order.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The yeas and nays resulted—yeas 48, nays 47, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—48

Allen	Dorgan	Lieberman
Baucus	Durbin	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Pryor
Carper	Inouye	Reed
Clinton	Jeffords	Reid
Coleman	Johnson	Rockefeller
Collins	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Snowe
Daschle	Lautenberg	Specter
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden

NAYS—47

Alexander	Dole	McCain
Allard	Domenici	McConnell
Bayh	Ensign	Miller
Bennett	Enzi	Murkowski
Bond	Fitzgerald	Nickles
Brownback	Frist	Roberts
Bunning	Graham (SC)	Santorum
Burns	Grassley	Shelby
Cantwell	Gregg	Smith
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Cochran	Hutchison	Talent
Cornyn	Inhofe	Thomas
Craig	Kyl	Voinovich
Crapo	Lott	Warner
DeWine	Lugar	

NOT VOTING—5

Akaka	Edwards	Sessions
Campbell	Kerry	

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 47. 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 and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we are at a point now where we can proceed with two or three other amendments that may require votes and then we expect to have a vote on final passage. We would like to get an agreement that these are the amendments which will be voted on and that we will have votes in sequence on those amendments and final passage of the bill. I hope my friend from Nevada will consider that.

The Senator from Florida wants to be heard.

I yield the floor.

Mr. 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.

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

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

AMENDMENT NO. 3652

Mr. NELSON of Florida. Mr. President, I send amendment 3652 to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself and Mr. GRAHAM of Florida, proposes an amendment numbered 3652.

Mr. NELSON of Florida. 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 provide supplemental disaster relief assistance for agricultural losses in the State of Florida resulting from Hurricanes Charley and Frances)

At the appropriate place, insert the following:

TITLE ____—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. ____. CROP LOSSES.

In addition to amounts otherwise made available under this Act, there is appropriated $560,000,000, to remain available until expended, for the Commodity Credit Corporation Fund for crop losses in excess of 25 percent of the expected production of a crop (including nursery stock, citrus, dairy, timber, vegetables, tropical fruit, clams and other shellfish, tropical fish, poultry, sugar, hay, equines, wildflower seed, sod, and honeybees and losses sustained by packing houses) in the State of Florida resulting from Hurricane Charley or Frances: *Provided,* That any producer of crops and livestock in the State of Florida that has suffered at least 25 percent loss to a crop covered by this section, 25 percent loss to livestock, and damage to building structure in 2004, resulting from Hurricane Charley or Frances, shall be eligible for emergency crop loss assistance, emergency livestock feed assistance under the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471 et seq.), and loans and loan guarantees under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

SEC. ____. WATERSHED AND FLOOD PREVENTION OPERATIONS.

In addition to amounts otherwise made available under this Act, there is appropriated $30,000,000, to remain available until expended, for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) and related watershed and flood prevention operations, an additional amount to repair damage to the waterways and watersheds in the State of Florida resulting from Hurricane Charley or Frances.

SEC. ____. EMERGENCY CONSERVATION PROGRAM.

In addition to amounts otherwise made available under this Act, there is appropriated $60,000,000, to remain available until expended, for the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), an additional amount to repair damage to farmland (including nurseries and structures) in the State of Florida resulting from Hurricane Charley or Frances.

SEC. ____. AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT.

In addition to amounts otherwise made available under this Act, there is appropriated $25,000,000, to remain available until expended, for the Agricultural Credit Insurance Fund program account for the cost of emergency insured loans for costs in the State of Florida resulting from Hurricane Charley or Frances.

SEC. ____. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

In addition to amounts otherwise made available under this Act, there is appropriated $10,000,000, to remain available until expended, for emergency grants to assist low-income migrant and seasonal farmworkers under section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a): *Provided,* That the emergency services to be provided may include such types of assistance as the Secretary of Agriculture determines to be necessary and appropriate (including repair of existing farmworker housing and construction of new farmworker housing units, including housing that may be used by H-2A workers) to replace housing damaged as a result of Hurricane Charley or Frances.

SEC. ____. RURAL HOUSING FOR DOMESTIC FARM LABOR.

In addition to amounts otherwise made available under this Act, there is appropriated $10,000,000, to remain available until expended, for rural housing for domestic farm labor for the cost of repair and replacement of uninsured losses resulting from natural disasters such as Hurricanes Charley and Frances.

SEC. ____. STATE AND PRIVATE FORESTRY.

In addition to amounts otherwise made available under this Act, there is appropriated $5,000,000, to remain available until expended, of which $2,500,000 shall be made available for urban and community forestry and of which $2,500,000 shall be made available for wildland-urban interface fire suppression efforts resulting from fuel loading from damaged or destroyed tree stands in the State of Florida resulting from Hurricane Charley or Frances.

SEC. ____. EMERGENCY DESIGNATION.

The amounts appropriated in this title are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1014).

Mr. NELSON of Florida. Mr. President, we have had two major hurricanes in Florida that have done a great

deal of damage to our agricultural industry in Florida. Our agricultural industry is a $62 billion industry. We have just passed a disaster relief bill for drought for several Midwestern States which was a $3 billion disaster relief bill.

Naturally, where we have an existing disaster that has occurred over the course of the last 6 weeks, we have a lot of farmers hurting, and the well has run dry in the Department of Agriculture funds. Naturally, the Federal Government will respond, which we do in times of disaster, and this Senator and Senator GRAHAM want to make sure we have the funds.

We have bipartisan unanimity in our House delegation, along with Senator GRAHAM and me, on what we are requesting in this particular amendment I have sent to the desk. This is requesting $700 million of disaster relief for agricultural disaster. The figure may be more.

The distinguished chairman of the Appropriations Committee and I will enter into a colloquy in which I can be assured this matter is going to be addressed in this bill when it goes to conference and that the funds are going to be needed.

I engage in a colloquy with the chairman of the Appropriations Committee.

We are told the administration has existing funds to address the massive damage done to Florida agriculture by Hurricanes Charley and Frances, and, indeed, Secretary Veneman has authorized $300 million in section 32 funds which are certainly welcome and appreciated. However, I can state that back in Florida we are also told that already the U.S. Department of Agriculture is running out of relief funds. I ask the distinguished chairman of the Appropriations Committee if he will work with me to ensure additional emergency appropriations for USDA disaster relief can be provided to address this crisis in Florida?

I yield to the Senator.

Mr. STEVENS. We will provide the needed disaster relief for Florida agriculture as soon as possible. This relief will come in the form of appropriations for the U.S. Department of Agriculture disaster relief programs. These funds will be used to help Florida citrus farmers as well as other Florida farmers. If the funds are not provided before we address Hurricane Ivan, we will address this issue when we do address Ivan in the conference on this bill, the Homeland Security bill.

Mr. NELSON of Florida. Mr. President, I thank the chairman of the Appropriations Committee, and I appreciate his cooperation.

I ask the chairman, with his commitment in the Senate, am I in a position to guarantee the agricultural industry of my State that we will provide additional USDA disaster relief or other disaster funds to meet this need in supplemental appropriations in the conference report on this bill, the Homeland Security appropriations bill?

Mr. STEVENS. Mr. President, yes, that is my commitment to the Senator from Florida. We fully intend to take up the Hurricane Ivan funds as an amendment to this bill in conference when the supplemental request is received.

Mr. NELSON of Florida. Mr. President, around this place, a man's word is his bond, and that is good enough for me.

I thank the Senator. Our people are hurting. The President has requested, in addition, a $3.1 billion relief package for FEMA and other agencies of Government other than the agriculture relief. He did not request that. That is the reason for bringing this to a head at this late hour.

AMENDMENT NO. 3652 WITHDRAWN

Therefore, I withdraw my amendment.

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

The Senator from New York.

Mr. GRAHAM of Florida. Mr. President, I commend Senator NELSON on this issue and thank Senator STEVENS for his efforts.

This amendment represents the first step in correcting an injustice. That injustice is the lack of meaningful disaster relief for the farmers, ranchers, and growers of Florida.

Agriculture is the second largest generator of income in Florida. It is responsible for $7 billion in cash receipts and accounts for a total of $60 billion in total economic impact.

Mr. President, 44,000 farmers and growers produce 280 different crops ranging from tropical fruits to winter vegetables to greenhouse and nursery products to aquaculture and honey and more.

The twin disasters of Charley and Frances devastated a significant portion of this economic sector. Preliminary estimates indicate more than $2 billion in damage to Florida agriculture.

Some growers were hit twice; before they could determine their initial losses, they lost the rest of their crops. It may take months to determine the final cost of these storms. The ground first must dry out before growers can learn if they will be able to plant and harvest a crop this year.

The growers and their families need help now. Yet today's request from the administration contains no aid for them.

Between fiscal year 1989 and fiscal year 2003, Congress added $49.2 billion to USDA programs. Of that amount, $21.4 billion went for market loss payments to compensate for low prices, and $17.9 billion went to crop disaster payments to producers who suffered a natural disaster crop loss.

In the past, the Senate has responded when our farmers and ranchers were in need. We again must respond in an appropriate way by providing the aid that is contained in this amendment.

I want to commend those officials who have been trying to help Florida agriculture since Hurricane Charley first hit the State. Dedicated public servants from the U.S. Department of Agriculture and the Florida Department of Agriculture and Consumer Services have been assessing the damage and directing farmers to available assistance programs. The private sector has worked long hours to minimize the damage. Producers who may have suffered only minor losses are helping their neighbors who are not as fortunate.

The U.S. Department of Agriculture as always is using its resources to aid the victims of these disasters. Additional funds are necessary to begin recovery operations. Yet, those funds were not included in the administration's recent request.

I want to explain why these funds are necessary. Some natural disasters destroy crops. These hurricanes have destroyed more than crops. For example, nurseries and greenhouses collapsed or were crushed by the storms. Replacing a structure is more difficult and costly than just replacing plants.

Consider the citrus industry. In some groves, you can walk from end to end and never touch the ground because it is covered with fallen grapefruits. Next year, another crop may grow, but the grove's owners, and their families, need help today. Even worse, the storms destroyed thousands of citrus trees. It takes 5 years for a new tree to produce fruit and seven years for it to turn a profit.

We are approaching that time of year when people throughout the country order and send gifts of Florida citrus. Its been estimated that packing houses and related businesses could lose as much as $100 million from the storms. Consider the impact on the workers in these facilities.

Preliminary estimates indicate that the sod industry in Florida has suffered $300 million in losses. Many of the sod farms are flooded, and too much water is not good for sod.

Florida's cattle and calving operations generate more than $370 million in cash receipts. The storms destroyed fences and dumped debris on grazing lands. Florida calves are fed and grow at feedlots in other parts of the country.

Consider the plight of the winter vegetable growers. Many in Florida began preliminary planting before the hurricanes hit. Existing programs do not cover their pre-planting costs. They must plant by a certain date to be eligible for aid. If the ground is too wet and they can't plant in time, they suffer twice—the lack of a cash crop and the lack of disaster aid.

The amendment does not ignore the human side of agriculture. It includes funds to assist groups that provide emergency services to the many people who work on farms where crops have been destroyed. Many farm workers have lost their jobs. They also have seen their homes destroyed, or they find themselves without water or power.

I realize that the preliminary estimates of $2 billion in losses will be reduced, once insurance and other payments are taken into account. But the need exists today.

The transmittal letter for the emergency supplemental asked Congress ''to limit this emergency request to those items directly related to the recovery efforts from the impact of these recent major disasters.'' This amendment meets this requirement.

After a more detailed examination of the damage, we may have a need for additional funds for agriculture assistance. That is why I consider this amendment to be just an important first step but not the final step toward the goal of helping the farmers, ranchers, and producers of Florida.

AMENDMENT NO. 3656

Mr. SCHUMER. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. SARBANES, Mr. REED, Mrs. CLINTON, and Mr. KENNEDY, proposes an amendment numbered 3656.

Mr. SCHUMER. 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 increase funding for rail and transit security grants)

On page 20, line 7, strike ''$1,200,000,000'' and insert ''1,550,000,000''.

On page 20, line 13, strike ''$150,000,000'' and insert ''$500,000,000''.

Mr. SCHUMER. Mr. President, I will be brief. I know the hour is late, but as I am sure this body knows, these issues, I believe, are extremely important and have to be considered. This amendment deals with rail security. It is rail security and transit grants.

Now, first, I do want to say that we are providing $278 million for these grants. The amendment by my friend from West Virginia raised the amount to that. But it is not close to enough when we are considering that rail is one of the great dangers we face in this war on terrorism. If anything, we have learned since last year's appropriations bill that al-Qaida has chosen rail as one of its methods of terror. We all looked in shock at what happened in Madrid.

Our rail systems, whether they be mass transit, subways, commuter rails, passenger rails, freight rails, are utterly unprotected. While we are making small steps in the direction of protecting them, we are not moving close to quickly enough. Despite the significant threat to transit systems, the funding for transit security has been grossly inadequate.

Over the last 2 years, Congress appropriated only $115 million in transit security: $65 million in fiscal year 2003; $50 million—less—in 2004. The administration's budget requested no additional funding. Now, of course, we have raised it a little bit here but not close to enough.

Furthermore, only 30 to 40 percent of what has been appropriated for transit security has been received by transit agencies. So even with the small amounts we have appropriated, our agencies that are supposed to make our subways, our mass transit, our commuter rail, our passenger rail safer have not been able to do it. As a result, many transit agencies, including those in my city, in my State, many of which are likely to be at risk, have pressing security needs that are still unfunded. In fact, the Banking Committee found that we have invested $9.16 per passenger on aviation improvements but less than 1 cent per passenger on transit security improvements. Now does that make any sense: $9.16 on air travel, less than 1 cent on transit?

On April 8, the Commerce Committee passed the Rail Security Act of 2004. The bill would provide $1.2 billion to enhance the safety of our Nation's mass rail systems. On May 6, the Banking Committee unanimously passed the Public Transportation Terrorism Prevention Act of 2004. That bill would provide over $5 billion to enhance the safety of the Nation's mass transit systems and would mean so much to the New York area where we face a need for hundreds of millions of dollars to shore up our security. So when my friend from Mississippi will get up and say, well, we are giving some money, it is not close to what the authorizing committees felt was needed. It is not a little less; it is not a lot less; it is a huge amount less. If the Commerce Committee would say that $1.2 billion is needed and the Banking Committee would say that $5 billion is needed and we are appropriating as little as we are, clearly we are not doing something right.

These two bills were not taken up by the Senate leadership for several months, and then, in July, Secretary Ridge announced there was credible information indicating al-Qaida is moving ahead with plans for a large-scale attack in the U.S. aimed at disrupting the political elections. In reaction, all of a sudden the Senate leadership decided to try to pass some security measures that were long overdue. I am told the reason they did not bring them up is because they felt these measures cost too much. I am sure my esteemed colleague from Mississippi will make that argument again today, that spending $350 million to secure the thousands of miles of tracks, tunnels, bridges, and stations used by millions of Americans every day is too expensive. I have to respectfully disagree. We are vulnerable. God forbid 10 terrorists strap explosives to themselves and go into 10 of our busiest rail stations and detonate them at a single time. This would cause huge loss of life, tremendous suffering, and economic hardship.

There are things we can do. We can develop detectors that fit mass transit as we are doing in the airports. We are not. We can protect our tunnels and bridges upon which trains go. We are not. The bottom line is, we are doing virtually nothing.

Mr. REID. Mr. President, could I ask my friend to withhold? We have a unanimous consent request that Members have been waiting on for a while.

Mr. SCHUMER. I am happy to yield.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we are at a point where we can advise Senators of amendments that will now be presented to the Senate for votes. We hope we can get this unanimous consent agreement adopted so we will have an orderly process to follow.

I ask unanimous consent that other than any amendments cleared by both managers, the only remaining amendments be the following and that there be no second degrees in order to the listed amendments prior to votes in relation to those amendments: the pending Kennedy amendment for 5 minutes equally divided; the Schumer amendment on rail safety with 10 minutes equally divided; the Schumer amendment on immigration with 10 minutes equally divided; and the Clinton amendment, No. 3631, with 10 minutes equally divided—and I am sure the Senator from Florida will call up his amendment on funds for the Red Cross, and we will adopt that on a voice vote—further, that any other pending amendments be withdrawn, and following disposition of the above-listed amendments, the bill be read a third time and the Senate proceed to passage as under the order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COCHRAN. I thank all Senators.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I appreciate the understanding of my colleague from Mississippi. I think I have used pretty much my time on transit even though I have been given another 10 minutes.

I just want to say this in conclusion: We are currently spending $5 billion a month in Iraq alone. While I wholeheartedly support making sure that our troops have everything they need—and I have supported all of these funding requests—if we can spend $5 billion a month in Iraq, we can surely spend $350 million over 5 years to help ensure the safety of our transit riders here at home. The priorities are wrong. There is a disconnect. We spend what it takes to win a war on terror overseas, as we should. We spend virtually nothing to protect ourselves at home. To say that a couple hundred million dollars is too much when the safety of our citizens is at stake and we are spending $5 billion a month in Iraq is a schizophrenia that this country, as we fight this war on terror in this brave, new world, cannot afford.

I urge adoption of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment would add $350 million to the bill for rail and security transit grants. A previously adopted amendment has already added $128 million to the bill for this purpose.

The amendment will cause the bill to exceed the committee's 302(b) allocation; therefore, I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. SCHUMER. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purpose 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 yeas and nays were ordered.

Mr. McCAIN. Mr. President, has all time expired?

The PRESIDING OFFICER. All time has expired.

Mr. COCHRAN. Mr. President, I ask unanimous consent that these votes be stacked that are in order: the two Schumer amendments, the Clinton amendment, the vote on final passage, and any vote in relation to the Kennedy amendment as well—that they be stacked so we can then proceed with debate on the second Schumer amendment or the Clinton amendment and dispose of the discussion, and then we will have a vote on all of those issues at the same time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York.

AMENDMENT NO. 3655

Mr. SCHUMER. Mr. President, I offer the Schumer amendment on immigration security. The amendment is at the desk, I believe.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 3655.

Mr. SCHUMER. 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 as follows:

(Purpose: To appropriate an additional $350,000,000 to improve the security at points of entry into the United States)

On page 7, line 16, strike ''$2,413,438,000,'' and insert the following: ''$2,763,438,000, of which $200,000,000 shall be reserved for the International Civil Aviation Organization to establish biometric and document identification standards to measure multiple immutable physical characteristics, including fingerprints, eye retinas, and eye-to-eye width and for the Department of Homeland Security to place multiple biometric identifiers at each point of entry; of which $50,000,000 shall be reserved for a program that requires the government of each country participating in the visa waiver program to certify that such country will comply with the biometric standards established by the International Civil Aviation Organization; of which $25,000,000 shall be reserved for the entry and exit data systems of the Department of Homeland Security to accommodate traffic flow increases; of which $50,000,000 shall be reserved to integrate the entry and exit data collection and analysis systems of the Department of Homeland Security, the Department of State, and the Department of Justice, including the Federal Bureau of Investigation; of which $25,000,000 shall be reserved to establish a uniform translation and transliteration service for all ports of entry to identify the names of individuals entering and exiting the United States;''.

Mr. SCHUMER. Mr. President, there are so many places where we have to tighten up our security at home. We have talked about security in the air and security at the ports and security on the rails and security with trucks. We have talked about helping our police and our firefighters and hospitals. There is another area that we do have to address even at this late hour because it is so crucial. That is security at our country's borders.

The question is, Who can come across our borders, whether by land or sea or by air, and how do we monitor who they are, and how do we make sure terrorists do not come into this country as they did in the years and months before 9/11, where one part of the Government knew that those who came across the borders might well cause harm, but those who were at the borders letting people into this country did not?

The good news is that technology can help us. We can keep our borders open and free. We can have commerce that we need and at the same time separate those few bad apples. Technology will allow us to do that. But we are not doing it. Again, we run the risk that our porous borders will serve as an attraction to those who want to be in this country to do evil things, either here or abroad.

The amendment I have offered would provide funding necessary to strengthen the eyes and ears and coordination of personnel at our country's borders. Perhaps the greatest threat to our country as a whole is what New York Times columnist Thomas Friedman has called ''people of mass destruction'' or PMDs coming through our borders. It was people of mass destruction who turned airplanes into missiles on 9/11, and we have to do something to avoid that.

My amendment contains five parts. First, the amendment provides $200 million to help bring the biometric technology already at our busiest ports of entry up to the standards called for by the 9/11 Commission and the task force report. The 19 hijackers who invaded my city and our country 3 years ago ran through the borders in a wave of deception. Were there more accurate measures of identifying those terrorists when they entered the country, we might not have suffered 9/11.

Three years after 9/11, it is staggering that we are leaving so much of our safety up to the subjective, fallible judgment of individuals rather than to superior biometric technology. The first part of the amendment deals with upgrading that technology.

Second, my amendment would provide $50 million to help ensure that all travelers entering the United States are held to the same high level of scrutiny. Specifically, the amendment would provide funding to help persuade visa waiver program governments to produce passports compatible with the state-of-the-art biometric technology that I hope will be deployed at U.S. ports of entry.

Third, the amendment would provide $25 million to fund the expansion of the Homeland Security Department's exit and entry data systems to accommodate the ever increasing traffic of travelers in and out of our Nation's ports of entry. As the pace of globalization quickens, U.S. airports, bridges, and ports see a rising number of visitors. We have to have the technology to keep up with that increasing number.

Fourth, the amendment addresses the need to integrate the entry and exit data systems housed within the Department of Homeland Security, the FBI, and the Department of State. We have in our Government a number of sophisticated databases collecting critical information about individuals who could harm our country. Each of these systems has different access rules and runs on different algorithms. It makes integration of these systems with one another and with the people at the borders very chancy and difficult.

Finally, the amendment would provide $25 million to support a uniform transliteration and translation system to identify each visitor entering and exiting. You don't want to let someone in because Mohammed or Bill was spelled incorrectly and that person slipped through the borders.

I ask unanimous consent for 1 additional minute.

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

Mr. SCHUMER. The bottom line is simple. We have a long way to go to make our borders safe. The frustration that many of us have is we can do it but we are not. Again, we are taking tiny baby steps where bold, imaginative, and large steps are required. No one, no matter what their ideology, party, or even vote on this measure, wants to repeat what happened at 9/11 when people came across our borders and should not have. This amendment will help close that loophole. It is worth the cost. I urge its adoption.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment would add to the bill $350 million for components of the United States Visitor and Immigration Status Indicator Technology system, known as US VISIT. We have included the amount requested by the administration in this bill for the US VISIT system in the amount of $340 million. So

the Senator's amendment would double the amount that is already included in the bill. The amendment will cause the bill to exceed the committee's 302(b) allocation. Therefore, I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. SCHUMER. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. There is.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, under the order previously entered, there is an opportunity for consideration of a pending Kennedy amendment or the offering of amendment No. 3631 by Senator CLINTON.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

AMENDMENT NO. 3631

Mrs. CLINTON. Mr. President, I call up amendment No. 3631.

The PRESIDING OFFICER. The amendment is pending.

Mrs. CLINTON. Mr. President, this amendment—sponsored by myself and Senators ENSIGN, LAUTENBERG, FEINSTEIN, BOXER, and CORZINE—follows the recommendation in the 9/11 Commission. What it does is to put into our bill language that permits the Secretary of the Department of Homeland Security to allocate the money above the minimum that goes to all States. In other words, 38 percent of the money for homeland security will be distributed on a per capita basis to all States. The remaining 62 percent, which is the subject of my amendment, will be distributed as recommended by the 9/11 Commission and every other expert who has studied this issue on threat factors and risk assessments that will take into account matters such as population, population density, critical infrastructure, and such other factors as the Secretary considers appropriate.

We have debated this on the floor for a number of years. I engaged in a colloquy about this back in July of 2003 when we were considering the Homeland Security appropriations. I have spoken on numerous occasions with Secretary Ridge. I know we have been given assurance that there would be developed some kind of threat matrix so we could take into account the full range of issues that should be considered. I am not in any way suggesting what those factors should be. I think food security should be among them. I think our petrochemical complexes should be among them.

I think our laboratories in States such as New Mexico should be among them. I think there are probably threat-based assessments that would apply to every single State. But we know, having gone through this debate now year after year, that what happens is the path of least resistance is followed and the money is distributed on a per capita basis. I don't think that is good for any State, whether it is a large State or a small State, or any State in any part of our country.

Some have argued my amendment would take money away from other States, particularly the small States. It does not. The money that was guaranteed to the small States, to all States, will continue to flow. But what we have done is to say, wait a minute, the Secretary of this Department should begin to be able to develop a threat assessment. And let's look at our critical infrastructure. Every State has such infrastructure. Instead, the money is going out to the States and they are spending it as they see fit, without necessary regard for our national interests and our homeland security concerns, some of which cross State and county borders, and I believe that looking to this opportunity as recommended by the 9/11 Commission is absolutely essential.

So my amendment embodies the factors that were noted by the 9/11 Commission and it gives the administration—not me—and the Department of Homeland Security the discretion and authority to come up with any other factors they believe are relevant.

It is time we follow the advice of the experts—this Commission and the Rudman Commission. Every commission and every security expert who has looked at this has come to the same conclusion: We should give the Secretary discretion to develop a threat matrix to do a risk analysis, and then to make sure the money is distributed accordingly. I hope for the sake of our homeland defense and in keeping with the words of this Commission, you will support the Clinton-Ensign amendment. Senator ENSIGN wanted to get back in time to be part of the debate, but it moved a little more quickly than we had expected. I look forward to working with him and working with our colleagues to ensure that we do this right.

We have spent a lot of money and we have given a lot of equipment and given a lot of local communities money that, frankly, according to the articles that are often printed about this, they are looking for ways to spend.

Mr. President, I hope we will vote for this amendment.

I ask unanimous consent that Senator SCHUMER be added as a cosponsor.

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

Mr. COCHRAN. Mr. President, the funds allocated for this program in this bill are done on a formula basis under the provisions of the U.S.A. PATRIOT Act. The Senate Governmental Affairs Committee held hearings on this issue and has reported out a bill, S. 1245, the Homeland Security Grant Enhancement Act, to deal with domestic preparedness grants and how they are distributed. That is the legislation that is the appropriate vehicle for further debate and amendments if Senators want to offer amendments dealing with the formula for distributing State and local first responder grant funding.

This should not be done on an appropriation bill, on this bill, as the Senator seeks to do with her amendment. Therefore, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, I think we are at a point now where the Senator from Massachusetts has an amendment, which is the only one left under the agreed-upon process for finalizing the handling of the bill.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 3626

Mr. KENNEDY. Mr. President, I understand we have 2½ minutes. I yield myself 1 minute 15 seconds. I will yield the remaining time to my friend and colleague, the Senator from Florida, Senator GRAHAM.

Mr. President, in May of 2001, President Bush appointed General Scowcroft to review the intelligence system to make recommendations about how it could be more effective for the President of the United States. General Scowcroft has been relied upon by Democratic and Republican Presidents. He is one of the distinguished generals and foreign policy experts and arms control individuals. He issued such a report 3 months after 9/11.

It seems to me the most important decision we are going to make in this body by the time we have adjournment is going to be intelligence reform. This particular amendment says we believe the Scowcroft Commission report ought to be made available to all the Members of the Senate. If there has to be a classified annex, so be it. Over the course of the last weeks, we have had Secretary Rumsfeld who commented on it. This is what he said in the Armed Services Committee:

> I have been briefed on the Scowcroft Commission record. I don't see any reason why there shouldn't be a process so it can be declassified.

I asked him a question:

> Was there anything in there that you thought could be declassified?

He said:

> No, I cannot recall anything that could not be declassified.

Senator WARNER, for the record, said the Scowcroft Commission has not been released by the White House. We are going to seek to see whether we can have greater access to it.

Senator ROBERTS said:

> I had talked to Scowcroft last Thursday. I begged on my hands and knees to release the report.

That is what we are doing, releasing the report.

Mr. GRAHAM of Florida. I strongly support the amendment. We have had

too much classification of material, which has had the result of making us less secure, not more secure. The expert opinion of people like General Scowcroft ought to be made available to the American people and the Congress so it can be used as we attempt to construct systems that will make us safer.

There is no reason for the extensive classification process used in this administration, ranging from the Scowcroft report to the classification of 27 pages of our Senate-House joint inquiry relating to the role of foreign governments in assisting the terrorists. This would be a good place to start. The American people will be safer by our actions.

Mr. COCHRAN. Mr. President, let me make a couple points I think are important before we vote on this amendment. This is a report—the subject of this amendment by Senator KENNEDY—that was prepared at the President's request to advise him on intelligence issues. The report constitutes privileged advice to the President from a confidential adviser.

In order to protect the ability of not only this President but future Presidents in their ability to receive advice as a matter of separation of powers, recognized previously by the courts, Presidents of both parties have long declined to turn over to Congress privileged advice that is prepared for them at their request. For this same reason, the President does not ask Members of Congress to turn over advisory information prepared for us by our staff members. We think this is a tradition that should be honored in this case.

I am prepared to move to table the amendment if no other Senator wants to be recognized. If others want to speak on the issue, I am happy to yield the floor.

Mr. President, I move to table the amendment of the Senator from Massachusetts and 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. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from Mississippi (Mr. LOTT), and the Senator from Alabama (Mr. SESSIONS), are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 49, nays 45, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—49

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Shelby
Bunning	Graham (SC)	Smith
Burns	Grassley	Snowe
Chafee	Gregg	Specter
Chambliss	Hagel	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Talent
Collins	Inhofe	Thomas
Cornyn	Kyl	Voinovich
Craig	Lugar	Warner
Crapo	McCain	
DeWine	McConnell	

NAYS—45

Baucus	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Breaux	Harkin	Nelson (FL)
Byrd	Hollings	Nelson (NE)
Cantwell	Inouye	Pryor
Carper	Jeffords	Reed
Clinton	Johnson	Reid
Conrad	Kennedy	Rockefeller
Corzine	Kohl	Sarbanes
Daschle	Landrieu	Schumer
Dayton	Lautenberg	Stabenow
Dodd	Leahy	Wyden

NOT VOTING—6

Akaka	Edwards	Lott
Campbell	Kerry	Sessions

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, my understanding of the order is another vote will occur on an amendment without intervening debate under the order?

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. This vote will be a 10-minute vote. Would the Chair state the question before the Senate?

Mr. REID. Will the Senator yield?

Mr. COCHRAN. I am happy to yield.

Mr. REID. Mr. President, I ask that the unanimous consent agreement be amended so that all succeeding votes be 10 minutes in duration.

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

Mr. REID. I thank the Chair.

VOTE ON AMENDMENT NO. 3656

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to Schumer amendment No. 3656. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from Mississippi (Mr. LOTT), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The yeas and nays resulted—yeas 43, nays 51, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—43

Baucus	Feinstein	Mikulski
Bayh	Graham (FL)	Murray
Biden	Harkin	Nelson (FL)
Boxer	Hollings	Nelson (NE)
Breaux	Inouye	Pryor
Byrd	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kennedy	Rockefeller
Clinton	Kohl	Sarbanes
Corzine	Landrieu	Schumer
Daschle	Lautenberg	Specter
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden
Durbin	Lieberman	
Feingold	Lincoln	

NAYS—51

Alexander	Crapo	Lugar
Allard	DeWine	McCain
Allen	Dole	McConnell
Bennett	Domenici	Miller
Bingaman	Dorgan	Murkowski
Bond	Ensign	Nickles
Brownback	Enzi	Roberts
Bunning	Fitzgerald	Santorum
Burns	Frist	Shelby
Chafee	Graham (SC)	Smith
Chambliss	Grassley	Snowe
Cochran	Gregg	Stevens
Coleman	Hagel	Sununu
Collins	Hatch	Talent
Conrad	Hutchison	Thomas
Cornyn	Inhofe	Voinovich
Craig	Kyl	Warner

NOT VOTING—6

Akaka	Edwards	Lott
Campbell	Kerry	Sessions

The PRESIDING OFFICER. On this question, the yeas are 43, the nays are 51. 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 and the amendment falls.

Mr. COCHRAN. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3655

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with regard to amendment No. 3655 by the Senator from New York, Mr. SCHUMER.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 44, nays 49, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—44

Baucus	Graham (FL)	Lincoln
Bayh	Hagel	Mikulski
Biden	Harkin	Murray
Boxer	Hollings	Nelson (FL)
Breaux	Hutchison	Nelson (NE)
Byrd	Inouye	Pryor
Cantwell	Jeffords	Reed
Clinton	Johnson	Reid
Corzine	Kennedy	Rockefeller
Daschle	Kohl	Sarbanes
Dayton	Landrieu	Schumer
Dodd	Lautenberg	Specter
Durbin	Leahy	Stabenow
Feingold	Levin	Wyden
Feinstein	Lieberman	

NAYS—49

Alexander	Craig	McConnell
Allard	Crapo	Miller
Allen	DeWine	Murkowski
Bennett	Dole	Nickles
Bingaman	Dorgan	Roberts
Bond	Ensign	Santorum
Brownback	Enzi	Shelby
Bunning	Fitzgerald	Smith
Burns	Frist	Snowe
Carper	Graham (SC)	Stevens
Chafee	Grassley	Sununu
Chambliss	Gregg	Talent
Cochran	Hatch	Thomas
Coleman	Inhofe	Voinovich
Collins	Kyl	Warner
Conrad	Lugar	
Cornyn	McCain	

NOT VOTING—7

Akaka	Edwards	Sessions
Campbell	Kerry	
Domenici	Lott	

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 49. 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, and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the point of order was sustained, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3631

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to table amendment No. 3631. The yeas and nays have previously been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 54, nays 39, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—54

Alexander	Daschle	Lincoln
Allard	Dayton	Lugar
Baucus	Dole	McConnell
Bayh	Dorgan	Miller
Bennett	Enzi	Murkowski
Bond	Feingold	Nelson (NE)
Brownback	Fitzgerald	Pryor
Bunning	Frist	Roberts
Burns	Graham (SC)	Rockefeller
Carper	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Snowe
Cochran	Harkin	Stevens
Coleman	Hatch	Sununu
Collins	Inhofe	Talent
Conrad	Johnson	Thomas
Craig	Kohl	Voinovich
Crapo	Kyl	Wyden

NAYS—39

Allen	Ensign	McCain
Biden	Feinstein	Mikulski
Bingaman	Graham (FL)	Murray
Boxer	Hollings	Nelson (FL)
Breaux	Hutchison	Nickles
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Clinton	Kennedy	Santorum
Cornyn	Landrieu	Sarbanes
Corzine	Lautenberg	Schumer
DeWine	Leahy	Specter
Dodd	Levin	Stabenow
Durbin	Lieberman	Warner

NOT VOTING—7

Akaka	Edwards	Sessions
Campbell	Kerry	
Domenici	Lott	

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3607

Mr. COCHRAN. Mr. President, under the previous order, the amendment of the Senator from Florida adding funds for the Red Cross is the pending business, which should be adopted by voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3607) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3614, 3643, 3644, 3646, 3647, AND 3648, EN BLOC

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following amendments: amendment No. 3614 proposed by Ms. COLLINS and Mr. PRYOR; amendment No. 3647 proposed by Ms. STABENOW, Mr. CRAIG, Mr. LEVIN, Mr. CRAPO, Mr. JEFFORDS, Mr. BIDEN, and Mr. ROCKEFELLER; amendment No. 3648 proposed by Mr. SHELBY; amendment No. 3643 proposed by Mr. ROBERTS; amendment No. 3646 proposed by Mr. TALENT and Mr. BOND; and amendment No. 3644 proposed by Ms. MURKOWSKI, Mr. INOUYE, and Mr. STEVENS.

These amendments have been agreed to on both sides of the aisle, and I ask they be adopted en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc and are adopted en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 3614

(Purpose: To set aside $50,000,000 from the amount appropriated for law enforcement terrorism prevention grants to identify, acquire, and transfer homeland security technology, equipment, and information to State and local law enforcement agencies)

On page 19, line 22, strike the colon and insert the following: '', of which $50,000,000 shall be used for grants to identify, acquire, and transfer homeland security technology, equipment, and information to State and local law enforcement agencies:''

AMENDMENT NO. 3643

(Purpose: To express the sense of the Senate concerning the American Red Cross and Critical Biomedical Systems)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING THE AMERICAN RED CROSS AND CRITICAL BIOMEDICAL SYSTEMS.

(a) FINDINGS.—The Senate finds that—

(1) the blood supply is a vital public health resource that must be readily available at all times, particularly in response to terrorist attacks and natural disasters;

(2) the provision of blood is an essential part of the critical infrastructure of the United States and must be protected from threats of terrorism;

(3) disruption of the blood supply or the compromising of its integrity could have wide-ranging implications on the ability of the United States to react in a crisis; and

(4) the need exists to ensure that blood collection facilities maintain adequate inventories to prepare for disasters at all times in all locations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Homeland Security's Information Analysis and Infrastructure Protection should consult with the American Red Cross to—

(1) identify critical assets and interdependencies;

(2) perform vulnerability assessments; and

(3) identify necessary resources to implement protective measures to ensure continuity of operations and security of information technology systems for blood and blood products.

AMENDMENT NO. 3644

(Purpose: To encourage the Secretary of Homeland Security to place special emphasis on the recruitment of American Indians, Alaska Natives, and Native Hawaiians into Disaster Assistance Employee cadres maintained by the Emergency Preparedness and Response Directorate)

At the appropriate place, insert the following:

SEC. ___. DISASTER ASSISTANCE EMPLOYEE CADRES OF EMERGENCY PREPAREDNESS AND RESPONSE DIRECTORATE.

(a) IN GENERAL.—The Secretary of Homeland Security is encouraged to place special emphasis on the recruitment of American Indians, Alaska Natives, and Native Hawaiians for positions within Disaster Assistance Employee cadres maintained by the Emergency Preparedness and Response Directorate.

(b) REPORT.—The Secretary of Homeland Security shall report periodically to the Senate and the House of Representatives with respect to—

(1) the representation of American Indians, Alaska Natives, and Native Hawaiians in the Disaster Assistance Employee cadres; and

(2) the efforts of the Secretary of Homeland Security to increase the representation of such individuals in the cadres.

AMENDMENT NO. 3646

(Purpose: To express the sense of the Senate that the Director of the Office for State and Local Government Coordination and Preparedness be given limited authority to approve requests from State Homeland Security Directors to reprogram Federal homeland security grant funds to address specific security requirements based on credible threat assessments)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. It is the sense of the Senate that—

(1) the Director of the Office for State and Local Government Coordination and Preparedness be given limited authority to approve requests from the senior official responsible for emergency preparedness and response in each State to reprogram funds appropriated for the State Homeland Security Grant Program of the Office for State and Local Government Coordination and Preparedness to address specific security requirements that are based on credible threat assessments, particularly threats that arise after the State has submitted an application describing its intended use of such grant funds;

(2) for each State, the amount of funds reprogrammed under this section should not exceed 10 percent of the total annual allocation for such State under the State Homeland Security Grant Program; and

(3) before reprogramming funds under this section, a State official described in paragraph (1) should consult with relevant local officials.

AMENDMENT NO. 3647

(Purpose: To allow State Homeland Security Program grant funds to be used to pay costs associated with the attendance of part-time and volunteer first responders at terrorism response courses approved by the Office for State and Local Government Coordination and Preparedness)

On page 21, line 4, insert ''*Provided further*, That funds under this heading may be used to provide a reasonable stipend to part-time and volunteer first responders who are not otherwise compensated for travel to or participation in terrorism response courses approved by the Office for Domestic Preparedness, which stipend shall not be paid if such first responder is otherwise compensated by an employer for such time and shall not be considered compensation for purposes of rendering such first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.):'' after ''Homeland Security:''.

AMENDMENT NO. 3648

(To require the President's fiscal year 2006 budget to include an amount sufficient for funding a certain level of maritime patrol capability)

On page 16, line 4, before the period at the end, insert the following: '': *Provided, further*, That the budget for fiscal year 2006 that is submitted under section 1105(a) of title 31, United States Code, may include an amount for the Coast Guard that is sufficient to fund delivery of a long-term maritime patrol aircraft capability that is consistent with the original procurement plan for the CN–235 aircraft beyond the three aircraft already funded in previous fiscal years''.

AMENDMENT NO. 3653, AS MODIFIED

Mr. REID. Mr. President, amendment No. 3653 is at the desk. I send a modification to that amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], proposes an amendment numbered 3653, as modified.

Mr. REID. 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:

On page 12, line 23, insert before the last period '': *Provided*, That not to exceed $53,000,000 may be provided for transportation worker identification credentialing and $2,000,000 for tracking trucks carrying hazardous material''.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 3653), as modified, was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I call to the attention of the members of the Appropriations Committee that there will be a markup in our committee of three bills at 10:30. We will also consider appropriations bills on the floor tomorrow morning.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENTS NOS. 3657, 3658, AND 3659, EN BLOC

Mr. COCHRAN. Mr. President, I send three amendments to the desk: one on behalf of Senators DURBIN and AKAKA; one on behalf of Senator DOMENICI; and one on behalf of Senator TALENT. I understand these amendments have been cleared on both sides of the aisle. I ask unanimous consent that they be adopted en bloc.

The PRESIDING OFFICER. Without objection, the amendments are adopted en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 3657

(Purpose: To provide for reporting by the Chief Financial Officer and the Chief Information Officer of the Department of Homeland Security)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Sections 702 and 703 of the Homeland Security Act of 2002 (6 U.S.C. 342 and 343) are amended by striking '', or to another official of the Department, as the Secretary may direct'' each place it appears.

AMENDMENT NO. 3658

At the appropriate place, insert the following:

SEC. .

Section 208(a) of Public Law 108–137; 117 Stat. 1849 is amended by striking ''current'' and inserting ''2005''.

AMENDMENT NO. 3659

(Purpose: To require the Secretary of Agriculture to deploy disaster liaisons when requested by a Governor or appropriate State agency in a federally declared disaster area)

At the appropriate place, insert the following:

SEC. ___. LIAISON FOR DISASTER EMERGENCIES.

(a) DEPLOYMENT OF DISASTER LIAISON.—If requested by the Governor or the appropriate State agency of the affected State, the Secretary of Agriculture may deploy disaster liaisons to State and local Department of Agriculture Service Centers in a federally declared disaster area whenever Federal Emergency Management Agency Personnel are deployed in that area, to coordinate Department programs with the appropriate disaster agencies designated under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) QUALIFICATIONS.—A disaster liaison shall be selected from among Department employees who have experience providing emergency disaster relief in federally declared disaster areas.

(c) DUTIES.—A disaster liaison shall—

(1) serve as a liaison to State and Federal Emergency Services;

(2) be deployed to a federally declared disaster area to coordinate Department interagency programs in assistance to agricultural producers in the declared disaster area;

(3) facilitate the claims and applications of agricultural producers who are victims of the disaster that are forwarded to the Department by the appropriate State Department of Agriculture agency director; and

(4) coordinate with the Director of the State office of the appropriate Department agency to assist with the application for and distribution of economic assistance.

(d) DURATION OF DEPLOYMENT.—The deployment of a disaster liaison under subsection (a) may not exceed 30 days.

(e) DEFINITION.—In this section, the term ''federally declared disaster area'' means—

(1) an area covered by a Presidential declaration of major disaster, including a disaster caused by a wildfire, issued under section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); or

(2) determined to be a disaster area, including a disaster caused by a wildfire, by the Secretary under subpart A of part 1945 of title 7, Code of Federal Regulations.

MODIFICATION TO AMENDMENT NO. 3589

Mr. COCHRAN. Mr. President, notwithstanding the adoption of amendment No. 3589, I ask unanimous consent that the amendment be modified with the following change: On line 7 of the amendment, insert ''and the Committee on Environment and Public Works of the Senate'' after ''Governmental Affairs.''

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

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the three amendments adopted previously were agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Will the Senator yield?

Mr. COCHRAN. I will be happy to yield to my friend.

Mr. REID. Mr. President, we worked real hard today. It is my understanding we will have no votes tomorrow.

Mr. COCHRAN. Mr. President, I yield the floor.

DUGWAY PROVING GROUND'S FIRST RESPONDER CLASSES

Mr. HATCH. Mr. President, I would like to compliment my friend, Senator

COCHRAN. He has been a tireless advocate for defending the homeland. His subcommittee has made impressive strides in helping to prepare first responders for a day that we all hope will never come. Therefore, I rise to share my thoughts about the First Responder Classes that are taught at Dugway Proving Ground.

These Ph.D driven courses focus on agent characteristics, sampling, protection, detection, decontamination and chemical/biological production recognition, such as the difference between clandestine drug laboratories, industrial accidents or chemical/biological production capabilities. Additionally, Dugway, as part of its effort to provide innovative training capabilities, has also built a ''training town'' in order for students to assess a situation and determine the proper course of action. The high quality of these classes is reflected in the comments from the Chief of the HAZMAT Unit of one of our largest cities who has categorized the program as ''one that all first responders should attend'' and many other students that have stated it was the best training they had experienced.

Mr. COCHRAN. I thank my colleague for his kind words. Identifying the very best in first responder training programs is a priority for the subcommittee. Accordingly, the subcommittee has created a system in which the Department of Homeland Security distributes funding through a competitive grant program. I appreciate the Senator's comments on the quality of classes conducted at Dugway Proving Ground. I look forward to hearing about the program's continued progress in the future.

Mr. HATCH. Mr. President, I appreciate my colleague's comments.

PORT SECURITY GRANTS

Mr. AKAKA. Mr. President, I rise today to engage in a colloquy concerning language in the Senate version of H.R. 4567, the Department of Homeland Security Appropriations Act, regarding the distribution of the port security grant program.

Under current policy, any port designated as a critical national seaport terminal may apply for a port security grant even though the grants are funded through the Urban Area Security Initiative, UASI, grant program. I would like to clarify that it is the intent of Congress that the port security grant program continue to be administered in this manner, and not limited to ports in UASI cities, as such a policy would deprive many American ports of crucial security funding.

I would like to ask my distinguished colleague from Mississippi if he agrees that it is the intent of Congress to continue the distribution of port security grants to all national critical seaports as has been done in the past?

Mr. COCHRAN. Mr. President, the Senator from Hawaii is correct. I appreciate the opportunity to clarify this point. It is not the intent of the Appropriations Committee to limit the recipients of port security grants to only UASI cities but rather to maintain the distribution criteria utilized in the fiscal year 2003 wartime supplemental.

Mr. INOUYE. Mr. President, will the distinguished Senator from Mississippi yield for a clarification?

Mr. COCHRAN. I yield to the senior Senator from Hawaii.

Mr. INOUYE. Mr. President, it is my understanding that the House version of the Homeland Security appropriations bill has language that clarifies this point. I would like to express my hope that the House language be preserved in the final version of the bill.

FLOOD ASSISTANCE

Mr. CARPER. Mr. President, I thank Senator COCHRAN and Senator BYRD for working with Senator BIDEN and me to try and assist the community of Glenville, in New Castle County, DE. About 1 year ago, on September 16, 2003, Tropical Storm Henri dropped between 8 and 10 inches of rain on the northern part of our State over a 14-hour period. Glenville was hardest hit. Every street in that development, home to 200 families, was flooded. Many resident's had to be rescued from their homes by boat. Hurricane Isabel hit just days later, causing further damage. Virtually the entire community is now uninhabitable.

Mr. BIDEN. Mr. President, Delaware Governor Ruth Ann Minner's requests for Federal disaster relief following Henri and Isabel was approved and FEMA was on the ground in Glenville immediately to assist. Since last September, however, we have come to the realization that more help is needed. Repairs to flood-damaged homes would be difficult because Glenville, hit hard in 1994 by Hurricane Floyd, is certain to suffer repeated flooding. The State of Delaware and New Castle County have now stepped in with $15 million each to purchase and destroy flood-damaged homes.

Mr. COCHRAN. I appreciate the Senators' comments regarding the disaster situation in Delaware last September. There are two programs at the Federal Emergency Management Agency to address a portion of this problem. The first program is the Hazard Mitigation Grant Program which is available to States such as the Senators' which have been declared disaster areas by the President. I am informed by FEMA that funds are available to assist the Glenville community with home buyouts. The other program available to the State is the Pre-Disaster Mitigation Program which is a Federal grant program which accepts competitive applications. However, I understand that these programs do not provide the resources to fully buy out the Glenville community at one time.

Mr. CARPER. I appreciate the Senator's comments. Delaware is now facing the beginning of another hurricane season. With the amount of money the State and the county have put into the mitigation effort in Glenville, we are concerned that they may be hard pressed to respond effectively to another storm like Henri or Isabel.

Mr. BIDEN. I know that no existing FEMA program was intended to buy out an entire community but $30 million is a lot of money in a State like mine. I believe additional Federal assistance for Glenville will help the State and the county finish their work there while maintaining sufficient emergency response capacity to deal with future storms.

Mr. COCHRAN. I thank the Senators from Delaware for this discussion and assure them that I will continue to assist them in their effort to work with FEMA on additional Federal funding.

Mr. DORGAN. Mr. President, I thank the managers of the Homeland Security Appropriations bill, Senators COCHRAN and BYRD, for agreeing to accept an amendment that I cosponsored. This amendment will ensure prompt funding for the accelerated deployment of Northern Border Air Wing run by the Department of Homeland Security.

In the wake of the September 11 attacks, Congress mandated the establishment of a Northern Border Air Wing. The Department of Homeland Security, which is responsible for implementing this initiative, intends to have 5 bases, in Washington, Montana, North Dakota, Michigan, and New York, from which planes can be dispatched to track, identify, and intercept any unauthorized aircraft detected on the northern border.

I have been working with Department officials in particular on their plan to base one of those air wings in Grand Forks, ND, which is a major aerospace center, and would be an invaluable base in this effort.

Despite the urgency of this initiative, the dollars were simply lacking for its prompt implementation. At the funding levels called for in the administration's budget and the original appropriations bill, the Northern Border Air Wing would not have been fully established, staffed, and equipped until 2008.

This amendment will allow the Department of Homeland Security to procure aircraft for, and begin operations at, all 5 air bases on the northern border in fiscal year 2005.

I believe that this is an essential step, and I thank my colleagues for accepting our amendment.

Mr. BIDEN. Mr. President, I will vote in favor of this Homeland Security Appropriations bill today, but I do so with great reservation and with the knowledge that its funding levels are woefully inadequate for the job of providing an effective defensive front in the war on terror.

Our highest priorities, as a Congress and as a Nation, have to be the security of the homeland and prevailing in the fight against terrorism. I fear that the bill before us does not provide the resources necessary to meet these priorities.

This bill does not reflect my priorities, nor does it represent a homeland

security budget I would write. I voted against the President's budget when it was before the Senate earlier this year. One of the main reasons I gave then for my opposition to the majority's budget resolution was its low level of funding for homeland security. Today, unfortunately, we are seeing the results of that budget.

The President's priorities seem to be along the lines of tax cuts for the wealthy and a missile defense system. Those are not my priorities. My priorities are the safety and security of my constituents and of the Nation. This bill reflects the President's priorities, as his tax cuts have left us with too few dollars to adequately secure the homeland.

Let me give just a few examples of where this bill is deficient. Senator BYRD offered an amendment to add $2 billion to this $33 billion Homeland Security Appropriations bill. I voted in favor of this proposal; yet, the majority voted in lock-step against it. Senator BYRD included in his amendment funds to double the amounts allocated to deploy radiation monitors at our ports. The Department of Homeland Security estimates it will cost $496 million to deploy enough radiation monitors to screen all inbound containerized cargo at the Nation's busiest ports; yet, the Department has insisted upon deploying this technology over a 5-year period. I do not believe we have 5 years to wait, and Senator BYRD would have doubled the pace of this effort. How can opponents justify voting against these funds?

Also included in this $2 billion amendment was an additional $100 million to beef up passenger security screening at airports. One of the portions of the 9/11 Commission's Report that leapt out at me dealt with the security vulnerabilities that remain in our airports. According to the Commission, ''[t]he TSA and the Congress must give priority attention to improving the ability of screening checkpoints to detect explosives on passengers. As a start, each individual selected for special screening should be screened for explosives.''

I expect it would surprise many of my constituents to know that the long lines we all go through at airports do not result in passengers being screened only for metal objects. When Russian airplanes are being blown out of the sky, likely by Chechen terrorists carrying explosives, and when the so-called ''shoe bomber,'' Richard Reid, tries to blow up a Miami-bound plane with carried-on explosives, we know we need to do a better job. But this bill provides only $75 million to continue to test for chemical and explosive material. Industry representatives have reported to me that these systems are ready to be deployed now, and that we need merely to spend the resources necessary to deploy them around the country. The $100 million proposed by Senator BYRD would have started us down that road, and I do not know how those who voted against these funds justify their position.

How can my friends on the other side of the aisle vote against additional resources to secure our seaport and railway systems? The $2 billion I referenced earlier also included an additional $350 million for transit and rail security grants, along with an additional $125 million for port security grants.

Not once since the attacks of 9/11 has the administration asked for an additional dollar of funding to protect passengers on our Nation's rails. More people pass through Penn Station in New York City every day than pass through all 3 of that city's major airports, to take just one example. But not a dime of new money has been requested by the President to protect those passengers.

The Commerce committee, under the leadership of Senator MCCAIN and Senator HOLLINGS, has reported legislation authorizing over $1.1 billion to enhance rail security. As my good friend from California has said, that legislation has not passed the Senate. In fact, since the attacks of 9/11 the Congress has refused to authorize additional security resources for Amtrak. Anonymous holds on the other side of the aisle have blocked action for 2 Congresses. The administration has done nothing to get that legislation—bipartisan bills—moving. That ought to be a scandal.

I am pleased that the amendment offered by Senator CARPER and Senator BOXER has been accepted. That will give Amtrak a fighting chance to get some of the funding this bill makes available for rail and transit security. But this will not feed the bulldog, Mr. President. This will not close the obvious gaps in our rail security. Given the low priority that rail security has been given, despite known and announced threats, I can only hope that Amtrak will get its share of the funds. I hope that when we revisit rail security in the next Congress, we will not regret the delay and penny-pinching that we have displayed on this issue.

This bill is underfunded and shortsighted, and I regret that the amendments I supported to add needed homeland security dollars were not included. While the bill before us today does not reflect my priorities, I will vote for it so that funds can continue to flow to our States, our critical infrastructures, and for the day-to-day operations of the Department of Homeland Security. But I look forward to debating appropriations bills that do reflect my priorities, and that truly do all we should do to secure the homeland and wage an effective war on terror.

Mr. BOND. Mr. President, I lend my support to a very important issue that would provide funding for the permanent installation of explosive detection system, EDS, equipment in airports. This amendment would increase the overall amount of money of EDS installation from $250 million to $325 million. I have been joined by Senator JOHN ENSIGN of Nevada and a bipartisan group of Senators in this very important effort to enhance security and convenience for our Nation's air travelers.

As passengers traveling through St. Louis, Kansas City, and other airports across the country have surely noticed, a number of bulky baggage screening machines sit in crowded terminal buildings where they were temporarily placed in the aftermath of 9/11.

I am concerned that the current situation creates safety and security risks and unduly inconveniences the traveling public since passengers are forced to work their way around these obtrusive machines. Additionally, the current in-lobby configuration unnecessarily wastes Federal resources since in-lobby equipment requires additional screening personnel to operate, transfer bags, and the like.

The goal of our amendment is to provide additional resources to move EDS equipment from airport lobbies out of the way and behind the scenes as part of an airport's baggage system. This is a costly undertaking requiring extensive construction at airports. The project cost estimate at St. Louis, for example, is $90 million, and $34 million at Kansas City. Nationwide, estimates to permanently install EDS equipment in airports run from $4 billion to $5 billion.

While costly, it is clear that EDS installation should be a high priority for the Federal Government. I made that point in a March letter to the Senate subcommittee responsible for drafting the DHS spending bill. Additionally, I would note that the 9/11 Commission Report, which Congress is in the midst of considering, also calls for expediting the ''installation of advanced (in-line) baggage screening equipment as part of its aviation-related recommendations.''

Our amendment is fully offset through a reduction of $75 million in an account aimed at establishing information technology connectivity between TSA and airports. While IT connectivity is certainly an important goal, that account has been increased by $154 million over last year's level under the current bill, and a $75 million reduction still leaves $218 million available for that purpose.

Given the difficulties that airports around the country are beginning to face with increasing wait times at screening checkpoints as air traffic continues to rebound, it is critical that we act now to move forward with EDS installation projects as quickly as possible. Adoption of this amendment is critical if we are to make any real progress in that regard.

Mr. MCCAIN. Mr. President, as we debate the Department of Homeland Security appropriations bill for fiscal year 2005, threats against our country and our way of life continue to mount. The reality of the world in which we live today is that terrorists are plotting ways to destroy our way of life

and seek to destroy the freedoms and liberties we cherish.

The recently released 9/11 Commission report outlines the failures that lead to the September 11 terrorist attacks and poses 41 recommendations on how to address identified failures and deter future terrorist attacks. Senators LIEBERMAN, SPECTER, BAYH and others have joined with me introducing legislation that encompasses all of the Commission recommendations. A number of the Commission's recommendations relate directly to the Department of Homeland Security and merit discussion today.

Obviously, one of the best ways to prevent terrorists from attacking our country is to prevent them from entering in the first place. The Commission urges the Government to integrate watch lists, speed up the full implementation of USVISIT, which is an automated biometric exit and entry program, and work with our allies to better coordinate terrorist travel intelligence. Actions must be taken to close current gaps in our security that allow people to travel into the United States without passports or other identification. Though challenging, it will be possible to tighten security and implement needed changes as recommended by the Commission without unnecessarily impeding the flow of people in and out of our country.

The Commission also was clear that ''[h]omeland security assistance should be based strictly on an assessment of risks and vulnerabilities'' and that ''Congress should not use this money as a pork barrel.'' As the Commission reported, ''[p]opulation density, vulnerability and critical infrastructure should be the criteria by which homeland security assistance is based. I whole-heartedly agree. We must continue to resist any urge to earmark homeland security funds and I am pleased by the restraint the Appropriations Committee has once again shown while considering this homeland security funding legislation.

Just 2 years ago, we created the third largest Government agency, the Department of Homeland Security, bringing 21 distinct Federal agencies under the direction of one Department. Since that time, considerable progress has been made in protecting our country. However, as succinctly stated in the Commission's report, we are still not safe. We have yet to adequately develop strong measures to protect our air, land, and sea ports of entry. Our borders remain porous. We need to develop more efficient ways for states and localities to receive much needed funding to increase their preparedness for a terrorist attack. I also remain very concerned at the continuing problems surrounding interoperability.

I commend the chairman of the DHS Subcommittee, Senator COCHRAN, for developing an appropriations bill with minimal earmarks or unrequested spending. Although this is only the second Homeland Security Appropriations bill, I remain encouraged that the Appropriations Committee has resisted the urge to load its DHS appropriations legislation with unrequested spending. I urge my colleagues to hold strong as the bill continues through the legislative process.

I would be remiss if I did not point out that the few earmarks contained in this bill are targeted, as usual, to the home States of appropriators. Examples of earmarks and directive language include:

The bill provides $15.4 million for the Coast Guard's bridge alteration program, despite the fact that the President requested no funds for this program. The report then earmarks the funds as follows: $4.4 million for the Florida Avenue Bridge, New Orleans, LA; $3 million for the EJ&E Railroad Bridge, Morris, IL; $5 million for the Fourteen Mile CSX Railroad Bridge, Mobile, AL; $3 million for the Burlington Northern Santa Fe Bridge, Burlington, IA.

The bill provides $5 million above the President's request for identified perimeter security and firearms range needs, and the report specifies that the extra funds are to be spent at the Federal Law Enforcement Training Center in Artesia, NM;

Agricultural pests: citing Hawaii's ''globally significant natural environment,'' the Committee report states that DHS should work with the U.S. Department of Agriculture and the Hawaii Department of Agriculture in sharing information and expertise to ensure protection against agricultural pests. In this time of heightened security and exploding federal budgets, one should question the need for such a provision. I, for one, had not been unaware of an impending scourge of agricultural pests—pests that obviously have the good sense to live in a state that is popular travel destiny—pose a threat to the security of the homeland.

Out of the acquisition, construction, improvements and related expenses account provided for the Federal Law Enforcement Training Center, the committee report specifically identifies alterations and maintenance funding for buildings at four locations three of which happen to be represented by appropriators. The locations are Artesia, NM; Cheltenham, MD; Charleston, SC; and Glynco, GA.

Mr. President, the role of our Department of Homeland Security is perhaps most vital when it comes to protecting our Nation's borders. I am pleased that the committee has continued to fund improvements in the technology available for the Department of Homeland Security to protect our borders. However, money alone will not solve this problem. We must reform our immigration laws while we work to improve border security.

Historians will judge the 108th Congress by the way we address international terrorism and respond to the attacks of September 11. While much work remains to be done to secure our homeland, including action on 9/11 Commission recommendations, we can take another important step by passing this legislation.

Mr. President, once again, I thank the appropriators for their efforts to move a relatively clean homeland security appropriations bill. I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—93

Alexander	Dodd	Lincoln
Allard	Dole	Lugar
Allen	Dorgan	McCain
Baucus	Durbin	McConnell
Bayh	Ensign	Mikulski
Bennett	Enzi	Miller
Biden	Feingold	Murkowski
Bingaman	Feinstein	Murray
Bond	Fitzgerald	Nelson (FL)
Boxer	Frist	Nelson (NE)
Breaux	Graham (FL)	Nickles
Brownback	Graham (SC)	Pryor
Bunning	Grassley	Reed
Burns	Gregg	Reid
Byrd	Hagel	Roberts
Cantwell	Harkin	Rockefeller
Carper	Hatch	Santorum
Chafee	Hollings	Sarbanes
Chambliss	Hutchison	Schumer
Clinton	Inhofe	Shelby
Cochran	Inouye	Smith
Coleman	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Cornyn	Kohl	Stevens
Corzine	Kyl	Sununu
Craig	Landrieu	Talent
Crapo	Lautenberg	Thomas
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wyden

NOT VOTING—7

Akaka	Edwards	Sessions
Campbell	Kerry	
Domenici	Lott	

The bill (H.R. 4567), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House of Representatives on the disagreeing votes of the two Houses.

The Presiding Officer appointed Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. CAMPBELL, Mr. CRAIG, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, and Mrs. MURRAY conferees on the part of the Senate.

Mr. SANTORUM. 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. FRIST. 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.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business for debate only with Senators speaking up to 10 minutes each.

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

TRIBUTE TO KATIE ILG

Mr. DEWINE. Mr. President, I come to the Senate today with mixed emotions. A very important, very trusted member of my staff—Katie Ilg—is leaving our office to embark on a host of new adventures in Chicago. While I am happy for her and proud of her as she begins this new chapter in her life, I am also sad to see her go. Katie has become a central figure in our office. As my executive assistant, she has been my right hand for the last year and a half. She has been my friend.

I take a few minutes today to talk about Katie and the impact she has had on my office and me and to thank her for all she has done for us.

Katie first came to us in April 2000, after graduating from John Carroll University near Cleveland. Her first job in my office was as a staff assistant, where she answered phones, dealt with flag requests, and gave tours of the Capitol. The thing that most impressed me about Katie was that she would always go the extra mile for Ohio constituents—or anyone who wandered into my office, for that matter. She would listen to them with great compassion and concern. She was patient and understanding and a great ambassador for my office.

Of course, this is not surprising to anyone who knows Katie. The fact is that people are drawn to her. She endears herself to people. She is kind to people. She goes out of her way for others. She isn't showy or elaborate or judgmental. She just cares about people—constituents, colleagues, strangers. She reads people, and she worries about them.

It is also not surprising that Katie moved up in my office quickly. By December 2000, she took a position as my personal assistant. Though, after a year and a half, she left our office briefly to work for JP Morgan, she came back in February 2003—this time as my executive assistant, a management position that put her in charge of my personal assistant and scheduler.

Katie has thrived in this job. She is an excellent manager and role model. She works so hard and is so dedicated. She is always looking out for me—always taking care of me, always putting up with me—which, some would say is certainly not an easy thing to do. I've called her at all hours, and she's always there to help—always there with the same enthusiasm and good nature. Katie never complains, or makes excuses, or passes the buck to someone else. No job is ever too small—or too big.

Indeed, Katie Ilg is a very special young woman. No one knows that better than the people Katie has worked with in my office. I'd like to share some of the words that my staff has used to describe Katie. I think they paint a very accurate picture of exactly who she is.

Katie is ''thoughtful and thorough.'' She is ''sweet, bubbly, ebullient, compassionate, generous, warm, steady—a calming influence.''

''She is willing to do anything for others. She is always there for you when you need her—whether in a work environment or on a personal level. She is the person everyone goes to for support, a good job done, a laugh, a joke. . . . She keeps the office alive!''

''Katie is cute, perky, friendly, positive, upbeat.''

And, no matter who you ask, there are four words that everyone uses to describe her:

Katie is caring, selfless, genuine—and short! She makes me look tall! Though Katie is a tiny little thing in body, she is a giant in spirit. She is a powerful, positive force, who is smart, quick, and intuitive. She makes good decisions—good choices. She follows her heart and trusts her instincts. Above all else, Katie makes a difference each day—not in big splashy ways, necessarily, but in just a touch on the shoulder or through a kind word.

Katie is a good person. And, there is goodness in everything that she does.

As her dear friend Matt said, ''Whether comforting a family member in a time of loss or discomfort, counseling a friend through a difficult life challenge or affliction, celebrating a success with a co-worker or classmate, or orienting an old friend to a new city, Katie is always there with genuine and heartfelt words, actions, and deeds no matter the occasion and regardless of the other personal commitments she has at the time. . . . She has the ability to be a friend and confidant to all, whether you have known her for 8 years or 8 days.''

In conclusion, I'd like to say a word to Katie's parents, Tim and Mimi Ilg. Thank you. Katie is solid in her values and beliefs. She is grounded. She is ethical. She has a great sense of right and wrong. And, she loves her family more than anything else in the world. She is a good daughter to you; granddaughter to Lois; sister to Julie; companion to that boy in Detroit, we know as Mert; and friend to countless others.

Every once in a while, we are fortunate enough to have a Katie Ilg come into our lives. Without question, Katie has been one of the best things to happen to my office since I have been here in the Senate. While my wife, Fran, and I are sad to see her go, we know it is time for her to move on, as she has many more lives to touch and people to help.

We know she will just be a phone call or an e-mail away. And, I'm sure we'll see her at a few OSU football games this fall. Nevertheless, we're going to miss you, Katie Ilg. God bless you, and thank you for everything. You are certainly one of a kind.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On May 30, 2000 in Salt Lake City, UT, a man armed with a pellet gun stormed into a gym, fired several shots, and made threatening comments to the gay people in the gym. The club's manager said the gym is a health and social club for gay and straight men.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO NANCY KASSEBAUM BAKER AND AMBASSADOR HOWARD BAKER

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to our former Senate colleagues, Nancy Kassebaum Baker and Ambassador Howard Baker, for their leadership in organizing a regional conference in Tokyo on ''strategies for combating human trafficking in Asia.'' Together, they led the U.S. Embassy's effort to bring together government officials, nongovernmental organizations and multilateral organizations in a 2-day

conference in June on the most effective ways to deal with the global scourge of human trafficking. The conference was cosponsored by the Vital Voices Global Partnership and the International Labor Organization.

The conference took place several days after the publication of the State Department's annual Trafficking in Persons Report. Japan and other countries were placed on the ''watch list'' for not fully complying with minimum standards for the elimination of human trafficking. Officials from the National Policy Agency of Japan and the Justice Ministry participated in the conference, and several high level officials were among the keynote speakers. Japan announced that it has established an inter-ministerial body to address the challenge through a number of actions, including drafting new legislation to strengthen existing rules and penalties. Representatives from many other countries including India, Cambodia, Thailand, the Philippines, Russia, and Colombia, also participated in the conference, as did U.S. Government officials.

Each year, at least 1 million human beings, predominantly women and children, are shipped across national boundaries and sold into what has become modern-day slavery. Traffickers use fraud, coercion and outright kidnapping to obtain their victims. No country is immune from this problem. Both the United States and Japan are destination countries. Such trafficking is a flourishing criminal industry, second only to criminal drug and arms trafficking. Human trafficking is an urgent global challenge and progress against it is possible only through international cooperation.

As Ambassador Baker said in opening the meeting: ''I hope the ideas that come out of this conference help victims all over the world.'' I commend our two former Senate colleagues for convening this significant conference to raise international awareness of human trafficking and for bringing countries together to exchange best practices and develop effective strategies to combat it. Their leadership is an excellent example of our Nation's commitment to address this global scourge.

DEATH OF HUGH LANGDON ELSBREE

Mr. LOTT. Mr. President, I rise today to pay tribute to Hugh Langdon Elsbree, who served as the Director of the Library of Congress' Legislative Reference Service, LRS, from 1958 to 1966. The LRS was the forerunner of the Congressional Research Service, CRS. Dr. Elsbree, a resident of the Washington area for more than 50 years, died on August 30, 2004. He was 100 years old.

Dr. Elsbree joined the Legislative Reference Service as a research counsel in 1945 and served as senior specialist in American Government and Public Administration from 1946 to 1954. After he was promoted to Deputy Director in 1955, he became Director in 1958 and served in that position until he retired in 1966.

Dr. Elsbree was born in Preston Hollow, N.Y., on Feb. 24, 1904. He graduated from Phillips Andover Academy in 1921 and received three degrees from Harvard University: a Bachelors in 1925, Masters in 1927, and Doctorate in 1930. He was also elected a member of Phi Beta Kappa.

Dr. Elsbree taught in Harvard's Government Department from 1928 to 1933 and then at Dartmouth University from 1933 to 1943. Dr. Elsbree was a political science professor from 1937 to 1943 and chairman of Dartmouth's Political Science Department from 1937 to 1941.

His Government service began with a short stint as a research specialist for the Federal Power Commission in 1934 and continued during World War II. He moved to Washington and worked for the Office of Price Administration as principal business economist from 1943 to 45 and for the Bureau of Budget as an administrative analyst from 1945 to 46.

During the period of his library service, he was given a special assignment as deputy director of research for the Commission on Intergovernmental Relations from 1954 to 1955, and from March 1957 to September 1958 he served as chairman of the Political Science Department at Wayne State University.

A longtime member of the American Political Science Association, Dr. Elsbree was the managing editor of the American Political Science Review—1952–56. After he retired from the LRS, Dr. Elsbree and his LRS predecessor, Ernest S. Griffith, edited a series of 35 volumes on U.S. Government departments and agencies.

When Dr. Elsbree retired in 1966, the Senator ROBERT BYRD paid tribute to Dr. Elsbree's accomplishments in the CONGRESSIONAL RECORD. Senator BYRD said in part: A political scientist of wide repute and a dedicated public official, Dr. Elsbree has earned the respect and the confidence of the Congress through his skillful and competent leadership of the Legislative Reference Service in a period when Congress has experienced its greatest need for research assistance.

To Dr. Elsbree's brother, Willard, his son, Hugh L. Elsbree, Jr. and his family, friends, and former colleagues, I extend the Senate's deepest sympathies.

TRIBUTE TO SENATOR ARTHUR H. VANDENBERG

Mr. LEVIN. Mr. President, today I join all of my colleagues in paying tribute to one of the giants of the United States Senate, a son of Michigan, Senator Arthur H. Vandenberg.

Earlier today, the Senate Commission on Art unveiled a wonderful portrait, painted by Tennessee artist Michael Shane Neal, of Senator Vandenberg in the Reception Room just outside of this Chamber. The Senate, in 2000, selected Senator Vandenberg for this rare honor, along with Senator Robert F. Wagner of New York. They join only five others, known as the ''Famous Five'' whose portraits grace the beautiful Reception Room, Senators Henry Clay of Kentucky, Daniel Webster of Massachusetts, John C. Calhoun of South Carolina, Robert M. La Follette, Sr. of Wisconsin, and Robert A. Taft of Ohio.

Arthur Vandenberg was born in Grand Rapids, MI on March 22, 1884. After studying law at the University of Michigan, he worked as a reporter for the Grand Rapids Herald, later becoming the managing editor for the paper. Following the death of U.S. Senator Woodbridge Ferris in March 1928, he was appointed by Governor Fred Green to fill the vacancy, a seat that he was already campaigning for. In November of 1928, he was elected in his own right. He was reelected three times, rose to become chairman of the Senate Foreign Relations Committee and the President Pro-Tempore of the Senate and served in the Senate until his death, from lung cancer, in 1951. Although he is best known for his views on foreign policy, among his many notable accomplishments was the establishment of the FDIC, the Federal Deposit Insurance Corporation in 1933.

Vandenberg entered the Senate as an isolationist, an advocate of very limited U.S. involvement in international affairs. However, after the Japanese attack at Pearl Harbor, he recognized the Nation's greater interest and rose above partisanship to become one of the strongest proponents of a bipartisan foreign policy. On January 10, 1945, in this chamber, he delivered the ''speech heard round the world'' calling for the establishment of the United Nations. He was largely responsible for drafting the 1945 United Nations Charter, and he steered its passage through the Senate. He played a leading role in constructing the Marshall Plan, and he engineered the Senate ratification of the NATO Treaty.

A couple of years ago I read David McCullough's best-selling biography of Harry Truman. The book makes clear the indispensable role of Vandenberg in forging and maintaining the bipartisan coalition in Congress that supported Truman's successful post-World War II strategy establishing America's place as a leader of the free world and setting in motion the foreign policy which ultimately decades later won the cold war.

Senator Arthur Vandenberg's call to ''unite our official voice at the water's edge'' resonated for many years, uniting Republicans and Democrats in support of the Nation's foreign policy through administrations of both parties. The impact of his words were all the greater because of his own political roots as a isolationist Republican leader. Vandenberg, himself, often liked to

point out, Pearl Harbor ended isolationism for any realist.

Arthur Vandenberg was a forward-looking man who saw beyond partisan politics and worked for the good of the country. His service in the Senate is an example of true bipartisan leadership, which is so desperately needed today.

I know that all of my colleagues in the Senate and the people of Michigan join me in celebrating the life and works of this son of Michigan, and in congratulating the family of Senator Arthur H. Vandenberg.

VOTE EXPLANATION

Mr. REED. Mr. President, during Senate consideration of Senate amendments 3615 and 3617, I was attending a memorial service for the father of my Rhode Island colleague, Representative JAMES LANGEVIN. Had I been present for these votes I would have voted against the motion to table amendment No. 3615, and I would have voted to waive the point of order against amendment No. 3617.

DEATH OF FIREFIGHTER EVA SCHICKE

Mrs. BOXER. Mr. President, today, it is with a heavy heart that I pay tribute to a fallen California firefighter.

Firefighter Eva Schicke was killed on Sunday, September 12, when her crew was overwhelmed by flames after being dropped by helicopter to fight a wildfire in the Tuolumne River Canyon of the Stanislaus National Forest.

Eva Schicke was part of an elite 7-person helicopter wildfire crew stationed at Columbia Air Attack Base in Columbia, CA. She and the six other members of this helicopter crew selflessly risked their lives trying to protect our communities and our treasured forests.

A graduate of California State University at Stanislaus where she played basketball and majored in criminal justice, Eva Schicke worked part time as a firefighter for more than 4 years. When she died she was beginning to pursue a career in nursing—yet another testament to her generosity of spirit and her desire to serve the community.

Not only was Ms. Schicke one of the few female firefighters to serve, she is now, tragically, the first ever female firefighter from the California Department of Forestry to die in the line of duty.

I offer my sincere condolences to her family, friends, and classmates. I know they must be devastated by the loss of this courageous, young woman.

I take this opportunity to extend my gratitude to the search and rescue team that went back in to recover Ms. Schicke's body.

I also extend my gratitude and express my admiration for all of our firefighters, particularly the six members of the Columbia Helitack Team that fought by Ms. Schicke's side and were themselves injured in that fire. The people of California honor their work. May God bless them for their dedication and service.

WILLIAM MCSWEENY

Mr. LEAHY. Mr. President, my wife Marcelle and I have been privileged to know Bill and Dorothy McSweeny during the time I have been in the Senate.

During my conversations with them, I have especially appreciated their sense of history. When Mr. McSweeny writes an op-ed piece, based on his knowledge and experience, I think we should pay special attention.

Recently, he wrote one for the Washington Post. Nothing I could say would add to the value of this fine statement, so I ask unanimous consent it be printed in the RECORD.

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

[From the Washington Post, Aug. 18, 2004]

NO DEBATING A SENSE OF DUTY

(By William McSweeny)

I am from that generation of younger brothers who just missed World War II and went to war against communism in Korea in 1950. Many of us became fathers to those who fought in Vietnam and grandfathers to those fighting in Iraq.

I would not presume to speak for a whole generation, but as a veteran of that combat, I say it is time to tell both presidential campaigns to cease their macho posturing and get on with real programs to run—or save—our country.

In our long-ago time, we went to war reluctantly against an unknown enemy in an unknown land.

But, we went.

The conditions were harsh. The fighting—pre-instant TV—was ferocious at the front and mostly unseen at home. When we came back, no one particularly cared, and only one film (''Pork Chop Hill'') and a handful of books remain to mark our passing.

That and a free South Korea.

We weren't noticeably upset at men who deferred service and went to college (except those who stole our girls). We didn't come home with rows of medals—although many of us came home with injuries that still warn us of changes in the weather. We didn't do any complaining. We just came home and got on with our lives.

Why did we go? Why did we allow our young bodies and our young psyches to be subjected to a war so forgotten that even today it has not been mentioned by either candidate, both of whom failed to notice the anniversary of its June beginning and July ending?

I believe it was because we knew that we should. Some of us enlisted as regular Army infantry privates and later became combat officers because other men of the ''greatest generation'' had done it and we should too. It is a young man's reaction to a sense of responsibility and duty, done without much forethought.

That, I believe, is the key ingredient in John Kerry's service in Vietnam—and why both campaigns should drop this contrived issue.

He did not have to go—because he had been. His tour on a destroyer was overseas time enough. But he went to the boats because other young men were there. The men and the boats had a mission—and he commanded, because he could. That is enough for me. I couldn't care less whether he received a medal. The rest of it is frosting. There is no honor in this debate for our country. We need to know whether a man can save the economy and slow terrorism, not listen to harangues about who was a shooter and who was a dodger.

Most of the real heroics are performed by young kids and young officers who just accept it as a cost of doing business in the peculiar exchange that is a combat battleground. The whole place—and it does not matter which war we describe—is one of fear, noise, smoke, confusion and a strange comradeship where you might risk your life for someone you will never see again. I don't know what the expression is in the Navy, but the Army's bittersweet joke is that the two most dangerous words in the English language are ''follow me.'' It takes courage to utter those words and to follow that command—something any veteran of any combat will recognize.

It is time for some of us older veterans to take one last stand and call on both parties to drop this base and meaningless debate. At the end of the day, and the end of the battle, medals are just symbols. And the bravery of thousands of our soldiers has passed into history unheralded by stars and ribbons. By engaging in mudslinging over this issue, both campaigns undermine the bravery and honor of all who serve in times of war and peace. And they distract us from the real issues of this election.

John Kerry heard the siren song of his moment—that fragile call on the wind that is the call to the colors. He went. He came back. I give him credit for that. If he threw some ribbons over the fence, he's welcome to mine. They lie quietly in a desk drawer, entombed with memories of better men who lie in the dirt of faraway fields, where there really is no glory, but where courage and compassion came with the C-rations.

They believed ours was a great country, one that fought not for conquest or for gain but because freedom isn't free and someone has to pay for it. The bill comes due again in this election. Let's hope these two candidates don't leave us paupers.

HUNGARIAN GOLD TRAIN

Mrs. CLINTON. Mr. President, on May 24, 2004, 17 Senators wrote to Attorney General John Ashcroft to urge him to resolve the claims brought by several thousand elderly Holocaust survivors in the matter of the Hungarian Gold Train. These survivors seek restitution and an accounting for the mishandling, loss and theft of their property in the years after World War II. Administrations of both parties have made clear our belief that when faced with evidence of wrongdoing, governments should not rely on legalisms and technicalities to avoid responsibility. Those of us who wrote the Attorney General hoped that our own Government would rise to the same level of accountability when its own conduct was at fault.

Unfortunately, the Justice Department continues to resist these survivors strenuously in court. One disturbing tactic is to try to undercut the Government's own research and admissions. The facts about the Hungarian Gold Train were first brought to light by the Presidential Advisory Commission on Holocaust Assets, chaired by

Edgar Bronfman, in a ''Progress Report'' issued in October 1999. The commission called the Gold Train ''a mysterious example of a single egregious failure of the United States to follow [its own] policy'' regarding restitution of Holocaust victims' property after World War II. Now, however, in its recent filings in Federal court, the Justice Department claims that the PCHA somehow retracted or backed away from its findings. However, I recently received a powerful letter from Edgar Bronfman, the chairman of that commission. Mr. Bronfman makes plain that the commission stands by its report, which, as he points out, is still prominently displayed on its website. I ask unanimous consent that Mr. Bronfman's letter be made part of the CONGRESSIONAL RECORD.

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

EDGAR M. BRONFMAN,
New York, NY, August 25, 2004.

Hon. HILLARY R. CLINTON,
U.S. Senate, Washington, DC.

DEAR SENATOR: I have been reading your efforts as a member of the United States Senate to address some of the open but extremely important issues in the arena of restitution for living victims of the Holocaust and their heirs. In particular, I am aware, as was reported in the recent edition of The National Journal, that you have taken on a leadership role in seeking a fair and rapid settlement of the Hungarian Gold Train matter.

As you know, I had the privilege of serving as the Chairman of the Presidential Advisory Commission on Holocaust Assets in the United States (''PCHA'') from its inception in 1998 through its conclusion in December 2000.

PCHA was established by act of Congress (P.L. 105–186) in 1998. the enabling legislation directed PCHA to ''conduct a thorough study and develop a historical record of the collection and disposition of the assets'' taken from victims of the Holocaust by Nazi Germany or by the governments it controlled, ''if such assets came into the possession or control of the Federal Government'' at any time after January 30, 1933. As part of its task, PCHA was directed to file such interim reports with the President as it deemed appropriate, and to submit a final report to the President containing any recommendations for legislative, administrative or other actions it deemed necessary or appropriate.

Puruant to its Congressional mandate PCHA issued one such interim report on October 14, 1999, the Progress Report On: The Mystery Of The Hungarian Gold Train (''Progress Report''). The Progress Report is a comprehensive and in-depth historical analysis of the Gold Train story and is, in my view, an accurate account of the United States' handling and disposition of the ''Gold Train'' property. Tragically, that report made public the long-concealed facts that the United States mishandled the Hungarians' property and disposed of it in violation of our laws, a blemish on an otherwise magnificent record at that time.

When I learned that the Department of Justice has criticized the Progress Report, and attempted to minimize its significance in the current Federal court litigation, I wanted to contact you about this urgent matter and state my position as the former PCHA Chairman.

In December 2000 PCHA issued its final report as required by P.L. 105–186. This report, Plunder and Restitution: The U.S. and Holocaust Victims' Assets (''Plunder and Restitution''), did not repeat all the findings of the Progress Report. There was no need to repeat all of the specific findings because they had already been made public and remained available. Rather the findings were summarized along with many others in the final report. In no way, however, did PCHA intend to retract or retreat from the findings of the Progress Report. In fact, for years the Progress Report remained prominently displayed on PCHA's web site and it remains there today at http://www.holocaustassets.gov/.

I hope this clarifies the historical record and addresses any questions your colleagues may have on this point.

Yours sincerely,

EDGAR M. BRONFMAN.

Mrs. CLINTON. It is time for the Justice Department to do the right thing. It is time to stop the delay and stop hiding behind legalisms and technicalities. The Government should work with the survivors to pay fair, timely and long overdue restitution. As my colleagues and I wrote in May, for these survivors, justice delayed is justice denied.

ADDITIONAL STATEMENTS

40TH YEAR ANNIVERSARY OF THE LATIN AMERICAN RESEARCH AND SERVICE AGENCY

• Mr. CAMPBELL. Mr. President, I take this opportunity to recognize a significant service agency in my home State of Colorado.

Forty years ago in Denver, CO a small group of visionaries worked to achieve their dream of eliminating the disparities that existed between Latinos and the mainstream community.

Prior to the passage of the Civil Rights Act on July 2, 1964, these visionaries incorporated the first 501(c) 3 non-profit agency in the Nation to address the specific needs of Latinos. On March 3, 1964, the Latin American Research and Service Agency was born. Working with these visionaries was an enlightened philanthropic organization that was the first in the Nation to take a risk of giving a significant grant to a Latino based agency. That agency at the time known as the United Fund is today known as the Mile High United Way.

Much has happened over the past four decades since attorney Roger Cisneros first wrote the incorporation papers for LARASA. In November of 1964 Mr. Cisneros became the first Hispanic elected to the Colorado Senate since the early 1900's. Bernard (Bernie) Valdez, the first Hispanic appointed to a Denver Mayor's Cabinet was the first Chairman of LARASA's Board of Directors. Ms. Lena Archuletta who was the first Hispanic to serve as a school principal in the Denver Public Schools system was the first Secretary of the Board. Also serving on the first board of directors was Rodolfo ''Corky'' Gonzales a leader in the Chicano Movement and Herrick Roth former leader of the Colorado Labor Movement and founder of the Colorado Forum.

Today LARASA continues to provide leadership in the areas of health, education, public policy, leadership development and community outreach. On the occasion of their 40th Anniversary I am proud to recognize their significant achievements by entering this statement into the RECORD.•

RECOGNIZING IOWA EDUCATORS WHO PARTICIPATED IN THE NATIONAL HISTORY DAY 2004 SUMMER TEACHER INSTITUTE, POLITICS AND THE PRESS: THE INFLUENCE OF THE MEDIA ON HISTORY

• Mr. GRASSLEY. Mr. President, I would like to take a moment to congratulate two Iowa educators, Kelly Smith Arickx, a teacher at Rockford High School in Nora Springs, IA and Naomi Peuse, an educator at the State Historical Society of Iowa in Des Moines, IA. They were part of a group of 25 educators selected from across America to participate in the National History Day 2004 Summer Teacher Institute, ''Politics and the Press: The Influence of the Media on History.'' The institute took place from July 25 to July 30, 2004, at the University of Maryland in College Park, Maryland.

This select group of participants from across the country had the opportunity to work with prominent journalists and historians. They were exposed to an array of resources, including oral histories and discussions, learning about various primary source materials that can be incorporated into teaching.

I am pleased to recognize Kelly Smith Arickx and Naomi Peuse for their accomplishment in having been selected to participate in the National History Day Summer Teacher Institute. I am proud to have had them representing my home State of Iowa.•

NATIONAL POW/MIA RECOGNITION DAY

• Mr. CAMPBELL. Mr. President, I wish to say a few words today about the significance of observing September 14, 2004 as National POW/MIA Recognition Day, which honors the memory of the POWs and MIAs who have served in our Nation's wars.

As my colleagues know, the United States has fought in numerous wars and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action. In 20th Century wars alone, more than 147,000 Americans were captured and became Prisoners of War; of that number more than 15,000 died while in captivity. When we add to this number those who are still missing in action, we realize that we cannot do enough to remember their service.

As a veteran who served in Korea, I personally know that the remembrance

of another's sacrifice in battle is one of the highest and most noble acts we can perform. Remembering demonstrates our indebtedness and gratitude for those who served that we might live in freedom.

Many of us have visited one or more of the military academies that train America's future military leaders. These academies have varied missions and yet all of them share in the critical task of developing leaders for their particular branch of service. On the grounds of each academy is a chapel, spectacular places that are easily identifiable as places of worship.

In each chapel, a place has been reserved for those prisoners of war and the missing in action from each particular service. A pew has been set aside and marked by a candle, a powerful symbol that not all have returned from battle. These hallowed places have been set aside so that all POWs and MIAs are remembered with dignity and honor. It is a moving and emotional experience to pause at these reserved pews, to be encouraged by the burning candle, to recall the valor and sacrifice of those soldiers, sailors, marines, and pilots and to be inspired today by what they have done.

Yet, I believe we can and should do more to honor the memory of all the POWs and MIAs who have so gallantly served our Nation.

The display of the POW/MIA flag is a forceful reminder that we care not only for them, but also for their families who personally carry with them the burden of sacrifice. We want them to know that they do not stand alone, that we stand with them and beside them, as they remember the loyalty and devotion of those who served.

Mr. President, I believe that those who have been captured or are missing in action in the Nation's wars deserve to be honored with dignity and devotion. So today I ask my colleagues to join me in honoring these Americans and their families by remembering their sacrifice and declaring that it will never be forgotten.●

TRIBUTE TO COACH SAMMY DUNN

● Mr. SHELBY. Mr. President, I pay tribute to a great Alabamian who has made it his life's work to teach our youth about being great athletes, fair sportsmen, and strong members of their community.

Mr. Sammy Dunn, baseball coach of Vestavia Hills High School, was recently inducted into the Alabama Sports Hall of Fame and named the National High School Coaches Association baseball coach of the year. He has dedicated his life to coaching young men, not just on the athletic field, but in life's lessons.

For 27 seasons, Coach Dunn served as head baseball coach at Vestavia Hills High School, where he built a nationally recognized program. He won more games than any baseball coach in the history of Alabama and has a 621–159 record, a staggering .796 winning percentage. From 1991 to 2000, he led the Vestavia Hills Rebels to 10 State titles, including a record 7 consecutive titles between 1994 and 2000. In 1998, the Rebels were voted national champions by Baseball America and the Baseball Coaches Association. In 2000, Vestavia Hills High School named its baseball field in honor of Coach Dunn.

Throughout Coach Dunn's tenure, more than 100 players signed baseball scholarships, and some went on to play professionally, including veteran Oakland Athletic's pitcher Chris Hammond, Cincinnati Red's pitcher Josh Hancock, and New York Yankee pitching prospect Colter Bean. Moreover, his leadership inspired a handful of his former players to pursue coaching careers, including his son Casey, who is the head coach at Samford University.

Coach Dunn's lifelong devotion to young people and the sport of baseball made him an outstanding coach and much deserving of these recent accolades. He is a devoted husband to Linda, dedicated father to Casey, father-in-law to Marty, and grandfather to Sam. I wish him my sincerest congratulations on all of his achievements.●

TRIBUTE TO WCAX TELEVISION

● Mr. JEFFORDS. Mr. President, I pay tribute today to WCAX Channel 3, the CBS affiliate based in South Burlington, VT, which will reach a milestone this month when it marks its 50th year of broadcasting.

WCAX has documented many changes in my home State during that half-century, some for the better, some not. But Channel 3's crucial role in chronicling history cannot be overstated. From its coverage of high school baseball to State House politics, Channel 3 gives Vermonters the news they need. The station's patriarch, Stuart ''Red'' Martin, is as much a part of the Vermont fabric as the State's dairy farms and dirt roads.

Vermont had the distinction of being the very last State in the Nation to have its own television station when WCAX aired its first broadcast from a transmitter at the top of Mount Mansfield, according to the authors of the recently released book, ''Freedom and Unity: a History of Vermont.''

In this book, the authors write, ''By then, the image of Vermont both within and outside the State as an isolated, rural, museumlike, homogeneous, and unchanging society was becoming increasingly difficult to maintain.'' Indeed it was, and Channel 3 was there to broadcast Vermont's changing image into living rooms from one end of the State to the other.

Today, Channel 3 has a little more competition than it did back in 1954, but it maintains the distinction of being ''Vermont's Own.'' Over the years, Channel 3 has amassed a variety of impressive awards too numerous to list. But suffice it to say that many a political career has risen or fallen based on Channel 3 news coverage, and some of us are better off for it. Now if they would just purge that old file tape!

Thank you, Channel 3, for being there through all these years of public service—from helping farmers through the Agriculture Extension Service to the advent of satellite hookups—to capture Vermont's rich and unique history.●

MESSAGE FROM THE HOUSE

At 5:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1318. An act to name the Department of Veterans Affairs outpatient clinic in Sunnyside, Queens, New York, as the ''Thomas P. Noonan, Jr., Department of Veterans Affairs Outpatient Clinic''.

H.R. 2400. An act to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

H.R. 2457. An act to authorize funds for an educational center for the Castillo de Sam Marcos National Monument, and for other purposes.

H.R. 3056. An act to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P.

H.R. 3478. An act to amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration and to reauthorize the National Historical Publications and Records Commission.

H.R. 4027. An act to authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Science Center.

H.R. 4481. An act to amend Public Law 86–434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes.

H.R. 4632. An act to designate the facility of the United States Postal Services located at 19504 Linden Boulevard in St. Albans, New York, as the ''Archie Spigner Post Office Building''.

H.R. 4836. An act to name the Department of Veterans Affairs medical center in Amarillo, Texas, as the ''Thomas E. Creek Department of Veterans Affairs Medical Center''.

H.R. 5008. An act to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 363. Concurrent resolution expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian and Lebanese people by the Government of the Syrian Arab Republic.

H. Con. Res. 407. Concurrent resolution saluting the life and courage of the late Commander Lloyd ''Pete'' Bucher, United States Navy (retired), who commanded the U.S.S.

Pueblo (AGER–2) at the time of its capture by North Korea on January 23, 1968.

The message further announced that the House has passed the following bill, without amendment:

S. 1576. An act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1318. An act to name the Department of Veterans Affairs outpatient clinic in Sunnyside, Queens, New York, as the ''Thomas P. Noonan, Jr., Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans Affairs.

H.R. 2400. An act to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam; to the Committee on Energy and Natural Resources.

H.R. 2457. An act to authorize funds for an educational center for the Castillo de San Marcos National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3056. An act to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P; to the Committee on Environment and Public Works.

H.R. 3478. An act to amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration and to reauthorize the National Historical Publications and Records Commission; to the Committee on Governmental Affairs.

H.R. 4027. An act to authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Science Center; to the Committee on Commerce, Science, and Transportation.

H.R. 4481. An act to amend Public Law 86–434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4632. An act to designate the facility of the United States Postal Service located at 19504 Linden Boulevard in St. Albans, New York, as the ''Archie Spigner Post Office Building''; to the Committee on Governmental Affairs.

H.R. 4836. An act to name the Department of Veterans Affairs medical center in Amarillo, Texas, as the ''Thomas E. Creek Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 363. Concurrent resolution expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian and Lebanese people by the Government of the Syrian Arab Republic; to the Committee on Foreign Relations.

H. Con. Res. 407. Concurrent resolution saluting the life and courage of the late Commander Lloyd ''Pete'' Bucher, United States Navy (retired), who commanded the U.S.S. Pueblo (AGER–2) at the time of its capture by North Korea on January 23, 1968; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9139. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—September 2004'' (Rev. Rul. 2004–69) received on August 26, 2004; to the Committee on Finance.

EC–9140. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''2004 National Protocol'' (Rev. Proc. 2004–52) received on August 26, 2004; to the Committee on Finance.

EC–9141. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Guidance Under Section 1502; Treatment of Loss Carryovers from Separate Return Limitation Years'' (RIN1545–BD58) received on August 26, 2004; to the Committee on Finance.

EC–9142. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Plan Amendments Following Election of Alternative Deficit Reduction Contribution'' (Notice 2004–59) received on August 26, 2004; to the Committee on Finance.

EC–9143. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''July-September 2004 Bond Factor Amounts'' (Rev. Rule 2004–89) received on August 26, 2004; to the Committee on Finance.

EC–9144. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Extension of Time to Elect Method for Determining Allowable Loss'' (TD9154) received on August 26, 2004; to the Committee on Finance.

EC–9145. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Subsidiary Stock Loss Under Section 1.337(d)–2T'' (Notice 2004–58) received on August 26, 2004; to the Committee on Finance.

EC–9146. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Guidance on Discrepancies Caused by Acquisitions, Statutory Mergers, or Consolidations'' (Rev. Proc. 2004–53) received on August 26, 2004; to the Committee on Finance.

EC–9147. A communication from the Chief, Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Technical Corrections to Customs and Border Protection Regulations'' (CBP Dec 04–28) received on September 6, 2004; to the Committee on Finance.

EC–9148. A communication from the Chief, Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Patent Surveys'' (RIN1561–AA36) received on September 6, 2004; to the Committee on Finance.

EC–9149. A communication from the Chief, Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Customs Broker License Examination Date'' (RIN1651–AA46) received on September 6, 2004; to the Committee on Finance.

EC–9150. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, a report entitled ''US-Dominican Republic-Central America Free Trade Agreement: Potential Economywide and Selected Sectoral Effects''; to the Committee on Finance.

EC–9151. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, National Wildlife Refuge Service, transmitting, pursuant to law, the report of a rule entitled ''2004–2005 Refuge Specific Hunting and Sport Fishing Regulations'' (RIN1018–AT40) received on September 6, 2004; to the Committee on Energy and Natural Resources.

EC–9152. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Accounting and Auditing Relief for Marginal Properties'' (RIN1010–AC30) received on September 13, 2004; to the Committee on Energy and Natural Resources.

EC–9153. A communication from the Director, Office of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Secretary for Environmental Management, Department of Energy, received on September 6, 2004; to the Committee on Energy and Natural Resources.

EC–9154. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to vegetation management practices for designated transmission facilities and rights-of-way; to the Committee on Energy and Natural Resources.

EC–9155. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the amount of acquisitions made by the Department of Energy that manufacture the articles, materials, or supplies outside of the United States; to the Committee on Energy and Natural Resources.

EC–9156. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Maryland Regulatory Program'' (MD–054–FOR) received on September 8, 2004; to the Committee on Energy and Natural Resources.

EC–9157. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Adequacy of Minnesota Municipal Solid Waste Landfill Program'' (FRL#7810–9) received on September 8, 2004; to the Committee on Energy and Natural Resources.

EC–9158. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerator Units'' (FRL#7810–7) received on September 8, 2004; to the Committee on Energy and Natural Resources.

EC–9159. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Approval of Revisions to the Title V Operating Permit Program in the State of New Mexico, Albuquerque/Bernalillo County, New Mexico, and the State of Arkansas'' (FRL#7810–2) received on September 8, 2004; to the Committee on Energy and Natural Resources.

EC–9160. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled ''Quality of Water, Colorado River Basin, Progress Report No. 21''; to the Committee on Energy and Natural Resources.

EC–9161. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Compacts of Free Association with the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM); to the Committee on Energy and Natural Resources.

EC–9162. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Extension of Time for Filing Written Statement Under Rev. Proc. 2004–23'' (Rev. Proc. 2004–57) received on September 8, 2004; to the Committee on Finance.

EC–9163. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''I.R.C Sec. 7805(b) Relief from Retroactive Application of Rev. Rule 2004–75'' (Rev. Rule 2004–97) received on September 8, 2004; to the Committee on Finance.

EC–9164. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004'' (Notice 2004–60) received on September 8, 2004; to the Committee on Finance.

EC–9165. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Transfers of Compensatory Options'' (TD9148) received on September 8, 2004; to the Committee on Finance.

EC–9166. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Kaffenberger v. United States 314 F 3d944 (8th Cir. 2003)'' (AOD2004–35) received on September 8, 2004; to the Committee on Finance.

EC–9167. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Diane Fernandez v. Commissioner'' (AOD 2004–35) received on September 8, 2004; to the Committee on Finance.

EC–9168. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 42 Q&A II'' (Rev. Rule 2004–82) received on September 8, 2004; to the Committee on Finance.

EC–9169. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 988 Foreign Currency Denominated Contingent Debt Instruments'' (RIN1545–AW33) received on September 8, 2004; to the Committee on Finance.

EC–9170. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Prices Indexes for Department Stores'' (Rev. Rul. 2004–93) received on September 8, 2004; to the Committee on Finance.

EC–9171. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: Leasing Promotions—Penalties for Leasing Stripping Transactions'' (UIL:9300.03–00) received on September 8, 2004; to the Committee on Finance.

EC–9172. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Determination of Interest Rates—October 1, 2004'' (Rev. Rule 2004–92) received on September 8, 2004; to the Committee on Finance.

EC–9173. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Evidence Requirements for Assignment of Social Security Numbers (SSNs); Assignment of SSNs to Foreign Academic Students in Immigration and Naturalization Classification Status F1'' (RIN0960–AF87) received on September 9, 2004; to the Committee on Finance.

EC–9174. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements, other than treaties; to the Committee on Foreign Relations.

EC–9175. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the export of Oleoresin Capsicum (OC) riot control equipment and rubber hand ball grenades to the Iraq Ministry of Interior; to the Committee on Foreign Relations.

EC–9176. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a designation of acting officer for the position of Assistant Administrator, Bureau for Africa, U.S. Agency for International Development; to the Committee on Foreign Relations.

EC–9177. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a discontinuation of service in acting role for the position of Assistant Administrator, Bureau for Asia and the Near East, U.S. Agency for International Development; to the Committee on Foreign Relations.

EC–9178. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator, Bureau for Asia and the Near East, U.S. Agency for International Development; to the Committee on Foreign Relations.

EC–9179. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Administrator, Bureau for Africa, U.S. Agency for International Development; to the Committee on Foreign Relations.

EC–9180. A communication from the Secretary of State, transmitting, pursuant to law, a report prepared by the Department of State relative to the Authorization for the Use of Force Against Iraq Resolution; to the Committee on Foreign Relations.

EC–9181. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements for international agreements, other than treaties; to the Committee on Foreign Relations.

EC–9182. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 to Japan; to the Committee on Foreign Relations.

EC–9183. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially in the amount of $100,000,000 or more to the United States; to the Committee on Foreign Relations.

EC–9184. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed transfer of major defense equipment valued at $25,000,000 or more to the governments of Belgium, Denmark, the Netherlands, and Norway; to the Committee on Foreign Relations.

EC–9185. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed transfer of major defense equipment valued at $25,000,000 or more to Spain; to the Committee on Foreign Relations.

EC–9186. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed transfer of major defense equipment valued at $25,000,000 or more to the Netherlands; to the Committee on Foreign Relations.

EC–9187. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 2006; to the Committee on Governmental Affairs.

EC–9188. A communication from the Director, Office of Personnel Management, Division for Strategic Human Resources Policy, transmitting, pursuant to law, the report of a rule entitled ''Executive Performance and Accountability'' received on September 6, 2004; to the Committee on Governmental Affairs.

EC–9189. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2004; to the Committee on Governmental Affairs.

EC–9190. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 to March 31, 2004; to the Committee on Governmental Affairs.

EC–9191. A communication from the Director for Benefit Design and Compliance, AgriBank, transmitting, pursuant to law, a report relative to the financial condition of the Retirement Plans for the Employees of the Seventh and Eleventh Farm Credit Districts and Northwest Farm Credit Services; to the Committee on Governmental Affairs.

EC–9192. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–488, ''Multiple Dwelling Residence Water Lead Level Test Temporary Act of 2004''; to the Committee on Governmental Affairs.

EC–9193. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–489, ''District Government Reemployed Annuitant Offset Elimination Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9194. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–490, ''Juvenile Flotation

Device Requirement Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9195. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–491, ''Washington Convention Center Authority Advisory Committee Continuity Third Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9196. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–492, ''Free Clinic Assistance Program Extension Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9197. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–498, ''Board of Education Continuity and Transition Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9198. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–503, ''Inspector General Appointment and Term Clarification Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9199. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–504, ''Washington Convention Center Authority Advisory Committee Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9200. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–505, ''Georgetown Project and Noise Control Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9201. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–506, ''Captive Insurance Company Enhancement Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9202. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–521, ''Commission on Human Rights Establishment Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9203. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–522, ''Office of Administrative Hearings Establishment Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9204. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–523, ''Help America Vote Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9205. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–527, ''Anacostia Waterfront Corporation Act of 2004''; to the Committee on Governmental Affairs.

EC–9206. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–478, ''Board of Education Continuity and Transition Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9207. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–473, ''Mental Health Civil Commitment Extension Temporary Act of 2004''; to the Committee on Governmental Affairs.

EC–9208. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–477, ''Motorized Bicycle Responsibility Clarification Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9209. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–476, ''Office of Property Management Reform Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9210. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–475, ''Public Congestion and Venue Protection Temporary Act of 2004''; to the Committee on Governmental Affairs.

EC–9211. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–474, ''Presidential Elector Deadline Waiver Second Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9212. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–472, ''Tax Increment Financing Reauthorization Date Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9213. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–471, ''Walter Reed Property Tax Exemption Reconfirmation Temporary Act of 2004''; to the Committee on Governmental Affairs.

EC–9214. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–470, ''Juvenile Flotation Device Requirement Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9215. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–469, ''Eastern Market Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–9216. A communication from the Director, Office of Personnel Management, Division for Strategic Human Resources Management, transmitting, pursuant to law, the report of a rule entitled ''Locality-based Comparability Payments'' received on September 6, 2004; to the Committee on Governmental Affairs.

EC–9217. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendment to Executive Branch Regulation Governing the Reporting Period for Incumbent Public Financial Disclosure Reports'' (RIN3209–AA00) received on September 9, 2004; to the Committee on Governmental Affairs.

EC–9218. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Office's Federal Financial Management Report; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals—2005.'' (Rept. No. 108–338).

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

S. 2639. A bill to reauthorize the Congressional Award Act (Rept. No. 108–339).

By Mr. BENNETT, from the Committee on Appropriations, without amendment:

S. 2803. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2005, and for other purposes (Rept. No. 108–340).

By Mr. BURNS, from the Committee on Appropriations, without amendment:

S. 2804. An original bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. No. 108–341).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 2797. A bill to amend the Internal Revenue Code of 1986 to expand the deduction for college tuition expenses to include expenses for books; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. BINGAMAN, Mr. BUNNING, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CLINTON, Mr. COCHRAN, Mr. GRAHAM of South Carolina, and Mr. JEFFORDS):

S. 2798. A bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 2799. A bill to amend title 18 of the United States Code to increase the penalties for smuggling goods into the United States; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 2800. A bill to amend title 36, United States Code, to grant a Federal charter to the Pulaski Cadets, Ltd; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2801. A bill to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes; to the Committee on Finance.

By Mr. DAYTON:

S. 2802. A bill to amend the Congerssional Budget and Impoundment Control Act of 1974 to limit the implementation, phase-in, or phase-out of revenue measures to 1 year; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. BENNETT:

S. 2803. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2005, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BURNS:

S. 2804. An original bill making appropriations for the Department of the Interior and

related agencies for the fiscal year ending September 30, 2005, and for other purposes; from the Committee on Appropriations; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG:

S. Res. 424. A resolution designating October 2004 as ''Protecting Older Americans From Fraud Month''; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself and Mr. REID):

S. Res. 425. A resolution honoring former President William Jefferson Clinton on the occasion of his 58th birthday; considered and agreed to.

ADDITIONAL COSPONSORS

S. 373

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 373, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program.

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 540

At the request of Mr. INHOFE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 606

At the request of Mr. GREGG, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 847

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low income individuals infected with HIV.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1428

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1428, a bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity.

S. 1477

At the request of Mr. CORZINE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1477, a bill to posthumously award a Congressional gold medal to Celia Cruz.

S. 1647

At the request of Mr. CAMPBELL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1647, a bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for medicare beneficiaries, and for other purposes.

S. 1707

At the request of Ms. STABENOW, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1707, a bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and certain parcels sent from within the United States to members of the Armed Forces serving on active duty abroad who are engaged in military operations involving armed conflict against a hostile foreign force, and for other purposes.

S. 2352

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2352, a bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.

S. 2365

At the request of Mr. COLEMAN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2365, a bill to ensure that the total amount of funds awarded to a State under part A of title I of the Elementary and Secondary Act of 1965 for fiscal year 2004 is not less than the total amount of funds awarded to the State under such part for fiscal year 2003.

S. 2647

At the request of Mr. HOLLINGS, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2647, a bill to establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, and for other purposes.

S. 2759

At the request of Mr. ROCKEFELLER, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2759, a bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes.

S. 2764

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Indiana (Mr. LUGAR), the Senator from Indiana (Mr. BAYH), the Senator from Georgia (Mr. CHAMBLISS), the Senator from New York (Mrs. CLINTON) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2764, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 2791

At the request of Mr. DASCHLE, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 2791, a bill to enhance the benefits and protections for members of the reserve components of the Armed Forces who are called or ordered to extend active duty, and for other purposes.

S. CON. RES. 136

At the request of Mr. CONRAD, the names of the Senator from New York (Mr. SCHUMER), the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. CORZINE), the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Con. Res. 136, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 420

At the request of Mr. PRYOR, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 420, a resolution recommending expenditures for an appropriate visitors center at Little Rock Central High School National Historic Site to commemorate the desegregation of Little Rock Central High School.

S. RES. 422

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. Res. 422, a resolution expressing the sense of the Senate that the President should designate the week beginning September 12, 2004, as ''National Historically Black Colleges and Universities Week''.

AMENDMENT NO. 3619

At the request of Mr. CORZINE, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 3619 proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 3624

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 3624 proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

At the request of Mr. DASCHLE, his name was added as a cosponsor of amendment No. 3624 proposed to H.R. 4567, supra.

AMENDMENT NO. 3629

At the request of Mr. DAYTON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 3629 proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER:

S. 2797. A bill to amend the Internal Revenue Code of 1986 to expand the deduction for college tuition expenses to include expenses for books; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Textbook Affordability Act of 2004''.

SEC. 2. DEDUCTION FOR COLLEGE BOOK EXPENSES.

(a) IN GENERAL.—Section 222(b)(2) of the Internal Revenue Code of 1986 (relating to applicable dollar limit) is amended—

(1) by inserting ''with respect to qualified tuition and related expenses described in subsection (d)(1)(A)(i)'' after ''amount'' in the matter preceding clause (i) in subparagraph (B),

(2) by redesignating subparagraph (C) as subparagraph (F), and

(3) by inserting after subparagraph (B) the following new subparagraphs:

''(C) BOOKS.—In the case of any taxable year beginning after 2003, the applicable dollar amount with respect to qualified tuition and related expenses described in subsection (d)(1)(A)(ii) shall be equal to $1,000 reduced (but not below zero) by the amount determined under subparagraph (D).

''(D) AMOUNT OF REDUCTION.—The amount determined under this subparagraph equals the amount which bears the same ratio to the amount which would be so taken into account as—

''(i) the excess of—

''(I) the taxpayer's adjusted gross income for such taxable year, over

''(II) $65,000 ($130,000 in the case of a joint return), bears to

''(ii) $15,000 ($30,000 in the case of a joint return).

''(E) INFLATION ADJUSTMENTS.—

''(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2004, both of the dollar amounts in subparagraph (D)(i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.''.

(b) EXPANSION OF RELATED EXPENSES.—Paragraph (1) of section 222(d) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

''(1) QUALIFIED TUITION AND RELATED EXPENSES.—

''(A) IN GENERAL.—The term 'qualified tuition and related expenses'—

''(i) has the meaning given such term by section 25(f), and

''(ii) includes books (within the meaning of section 529(e)(3)(A)(i)).

''(B) SPECIAL RULE.—Such expenses shall be reduced in the same manner as under section 25A(g)(2).''.

(c) DEDUCTION FOR BOOKS MADE PERMANENT.—Section 222(e) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''This'' and inserting ''Except with respect to qualified tuition and related expenses described in subsection (d)(1)(A)(ii), this''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made in taxable years beginning after December 31, 2003.

By Mr. LUGAR (for himself, Mr. BINGAMAN, Mr. BUNNING, Mr. CAMPBELL, Ms. CANTWELL, Mrs, CLINTON, Mr. COCHRAN, Mr. GRAHAM of South Carolina, and Mr. JEFFORDS):

S. 2798. A bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

Mr. LUGAR. Mr. President, I rise today to introduce the Health Promotion FIRST (Funding Integrated Research, Synthesis and Training) Act, legislation to provide the foundation for solid planning and a scientific base for health promotion.

Between one half and two-thirds of premature deaths in the United States and much of our health care costs are caused by just three risk factors: poor diet, physical inactivity, and tobacco. Recent news reports have highlighted the alarming increase in obesity across the Nation. In the last 10 years, obesity rates have increased by more than 60 percent among adults—with approximately 59 million adults considered obese today.

We also know that medical costs are directly related to lifestyle risk factors. The September 2000 issue of the American Journal of Health Promotion reported that approximately 25 percent of all employer medical costs are caused by lifestyle factors. Emerging research is showing the value may be closer to 50 percent today.

Medical care costs are reaching crisis levels. Some major employers are actively exploring discontinuing medical insurance coverage if costs are not controlled. The Federal Government has the same cost problems with its own employees, and the cost to Medicare of lifestyle-related diseases will only increase as Baby Boomers retire, and more and more beneficiaries are diagnosed with lifestyle-related illnesses.

An obvious first step to addressing our health and medical cost problems is to help people stay healthy.

The good news is that both the public and private sectors are starting to do more in the area of health prevention and health promotion. For instance, the Medicare Modernization Act of 2003 included several new prevention initiatives for Medicare beneficiaries.

Also in recent years Congress and the Administration have worked together to pass numerous pieces of legislation to establish grants to provide health services for improved nutrition, increased physical activity, and obesity prevention.

However, despite the success of many health promotion programs, there is a quality gap between the best programs and typical programs. This occurs because most professionals are not aware of the best practice methods. Furthermore, even the best programs reach a small percentage of the population and do poorly in creating lasting change.

The Health Promotion FIRST Act will build the foundation for a stable coordinated strategy to develop the basic and applied science of health promotion, synthesize research results and disseminate findings to researchers, practitioners and policy makers.

The bill directs the Department of Health and Human Services to develop strategic plans focusing on the following: how to develop the basic and applied science of health promotion; how to best utilize the authority and resources of the Department of Health and Human Services and other federal agencies to integrate health promotion concepts into health care and other elements of society; how to synthesize health promotion research into practical guidelines that can be easily disseminated and; how to foster a strong health workforce for health promotion activities.

Additional funding is also provided for the Centers for Disease Control and the National Institutes of Health to augment current activities related to health promotion research and dissemination.

We have made a good start, at the Federal level, in addressing the needs of health promotion. However, we need to go further. I believe this legislation will serve as a good basis for Congress and the administration to take the next step in developing health promotion programs for the next decade.

By Mr. GRASSLEY:

S. 2799. A bill to amend title 18 of the United States Code to increase the penalties for smuggling goods into the United States; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President. The safety and security of our Nation's borders has been on all of our minds lately. In the past, we have approached the problem in a stovepipe manner, focusing on what illegal items criminals were bringing across our borders. We need to begin thinking about these challenges differently.

Increasingly, smuggling organizations do not tie themselves to the movement of one particular commodity, but are specialists in smuggling merchandise of any type into the United States undetected. So long as there is profit to be made, smugglers don't really care what they smuggle. If we are going to encourage effective investigations and prosecutions of these smuggling organizations, we must ensure sufficient penalties to send a clear message that smuggling—whether it's heroin, pirated CDs, AK–47s, or look-a-like designer hand bags—is wrong, and will be severely punished.

Today I am introducing a bill that will do just that. It is very simple. Raise the penalty for smuggling contraband into the United States from a maximum of 5 years to a maximum of 20 years. This will give prosecutors and law enforcement agents a better tool to go after those who try and evade our customs, border, and port security efforts. If we are serious about securing our borders, then we need to be serious about punishing those who try and evade our controls. I urge my colleagues to join me in sponsoring this legislation.

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 2800. A bill to amend title 36, United States Code, to grant a Federal charter to the Pulaski Cadets, Ltd; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise today to introduce a bill to create a Federal charter for the Pulaski Cadets, Ltd. The purpose of this organization is to perpetuate the history of General Kazimierz Pulaski and military personnel of Polish origin with other nationals who served with the Continental Army of America in the Revolutionary War. Leaders of the Pulaski Cadets work hard devoting time and energy to the memory of a military hero, General Pulaski.

It is fitting that the Pulaski Cadets should be granted a Federal charter to show the appreciation and respect Congress maintains for this organization and the values espoused by its members. I am proud to stand before the Senate and proclaim my admiration for this group and the many soldiers and leaders of Polish origin who have made our country great and continue to protect Americans at home and abroad. Their contribution has been recognized by many in New Jersey, including Mayor Joe Vas, of Perth Amboy, who has been a key supporter in their quest for a charter.

I believe it is vital to study and emulate those leaders who came before us, particularly those who left such an impressive mark on our country's behalf. As such, I ask the United States Senate to support a Federal Charter for the Pulaski Cadets.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 2800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARTER FOR PULASKI CADETS, LTD.

Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 2501—[RESERVED]"; and

(2) by inserting the following:

"CHAPTER 2501—PULASKI CADETS, LTD.

''Sec.
''250101. Organization.
''250102. Purposes.
''250103. Membership.
''250104. Governing body.
''250105. Powers.
''250106. Exclusive right to name, seals, emblems, and badges.
''250107. Restrictions.
''250108. Duty to maintain tax-exempt status.
''250109. Principal office.
''250110. Records and inspection.
''250111. Service of process.
''250112. Liability for acts of officers and agents.
''250113. Annual report.

"§ 250101. Organization

''(a) FEDERAL CHARTER.—The Pulaski Cadets, Ltd. (in this chapter, the 'corporation'), incorporated in New York, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

"§ 250102. Purposes

''The purposes of the corporation are as provided in the articles of incorporation and include—

''(1) to perpetuate the history of General Kazimierz Pulaski and military personnel of Polish origin with other nationals who served with the Continental Army of America in the war of our Independence;

''(2) to promote Americanism, patriotism, and establish a military unit to encourage willingness to serve and defend these United States of America; and

''(3) to maintain a nonbiased military and social structure to assist and prepare all members eligible for basic military training for the purpose of enlisting in all branches and components of the United States Military Services.

"§ 250103. Membership

''Eligibility for membership in the corporation and the rights and privileges of membership are as provided in the bylaws.

"§ 250104. Governing body

''(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

''(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

"§ 250105. Powers

''The corporation shall have only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 250106. Exclusive right to name, seals, emblems, and badges

''The corporation has the exclusive right to use the names 'Pulaski Cadets, Ltd.' and 'Pulaski Cadets' and any seals, emblems, and badges relating thereto that the corporation adopts.

"§ 250107. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

''(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

''(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or member in an amount approved by the board of directors.

''(d) LOANS.—The corporation may not make any loan to a director, officer, or employee.

''(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORIZATION.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

"§ 250108. Duty to maintain tax-exempt status

''The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§ 250109. Principal office

''The principal office of the corporation shall be in the State of New Jersey, or another place decided by the board of directors.

"§ 250110. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete books and records of account;

''(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

''(3) at its principal office, a record of the names and addresses of its members entitled to vote.

''(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 250111. Service of process

''The corporation shall comply with the law on service of process of each State in

which it is incorporated and each State in which it carries on activities.

"§ 250112. Liability for acts of officers and agents

''The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

"§ 250113. Annual report

''The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report shall not be printed as a public document.''.

SEC. 2. CLERICAL AMENDMENT.

The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 2501 and inserting the following new item:

''**2501. Pulaski Cadets, Ltd.** .....**250101**''.

By Mrs. FEINSTEIN:

S. 2801. A bill to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to protect one of Americans' most valuable but vulnerable assets: Social Security Numbers. The bill I propose today is identical to legislation that is making progress in the House of Representatives. Just before recess, the House Ways and Means Committee passed the bill not only with bipartisan support, but with unanimous support. Even though this bill has differences from S. 228, which I proposed at the beginning of this Congress to help prevent the misuse of Social Security numbers, the issue is too important for me, or for any other Senator, to stand by and do nothing.

The legislation, which in the House is H.R. 2971, was authored by Representative CLAY SHAW, the Republican from Florida's 22nd Congressional District. Very briefly, the key provisions of the legislation will do the following: It will generally prohibit the Federal and State governments, and private businesses, from displaying, buying, and selling Social Security Numbers. However, realizing that there are certain instances where Social Security Numbers must be communicated, the bill makes exceptions for areas such as law enforcement, national security, vehicle registration, and certain limited forms of research.

The bill will also toughen the methods that the Social Security Administration uses to verify birth records, and that it uses to issue Social Security numbers to newborn infants.

Additionally, the legislation will prohibit companies from requiring consumers to provide their Social Security Numbers, and will treat any such requirement as a prohibited unfair trade practice.

The bill will also punish violators with fines and up to five years in prison, with up to 25 years for those who are involved in drug trafficking or terrorism.

The bill also allows other sections of Federal law to impose stronger restrictions, and calls for reports analyzing the process for issuing Social Security Numbers.

This legislation is necessary to help stop the epidemic of identity theft that has been plaguing America and its citizens.

According to a report that the Federal Trade Commission released in September, 2003, almost ten million people were victimized by identity theft in the previous year. This led to losses of over 47 billion dollars.

The damage is not merely monetary. According to the same FTC report, the average victim had to spend thirty hours that is, three-fourths of a standard work-week—to resolve the problems. Often, the entire process can drag out for years.

Perhaps worst of all, victims must confront the trauma that someone else has hijacked their very identity. According to the Identity Theft Resource Center, a non-profit group that operates in my home state of California: ''Each time you answer the telephone or go to the mailbox, you wonder what new bill will appear. The idea of dealing with yet another collection agency or a newly discovered credit card leaves you filled with dread, rage and helplessness. . . . Some feel like they are experiencing a form of 'post-traumatic stress disorder' for a short time.''

Theft of a Social Security number can be especially devastating, because that piece of information has become a de facto universal identifier in American society.

One recent book on privacy in the United States documents how far the use of Social Security Numbers has spread beyond its original purpose, when they were created in 1936, of tracking American workers' earnings and benefits. According to the book: ''The SSN began to be used for military personnel, legally admitted aliens, anyone receiving or applying for federal benefits, food stamps, school lunch program eligibility, draft registration, and federal loans. State and local governments, as well as private sector entities such as schools and banks, began to use SSNs as well—for drivers' licenses, birth certificates, blood donation, jury selection, worker's compensation, occupational licenses, and marriage licenses. '' (SOURCE: Daniel Solove and Marc Rotenberg, Information Privacy Law, Aspen Publishers, 2003, at page 447–48.)

Despite this widespread use of Social Security Numbers, according to the General Accounting Office, ''No single federal law regulates the overall use or restricts the disclosure of SSNs by governments.'' (SOURCE: Social Security Numbers: SSNs are Widely Used by Government and Could be Better Protected, 2002 (Report Number GAO–02–691T) at page 5). As a result, the use of Social Security Numbers is regulated by an inconsistent and insufficient patchwork of State and Federal laws, that often leaves the numbers in plain view of the whole world.

It isn't surprising, then, that the sale of Social Security Numbers is proceeding at a furious pace. According to the GAO in a report that it released earlier this year, ''Internet-based information resellers whose Web sites we accessed also obtain SSNs from their customers and scour public records and other publicly available information to provide the information to persons willing to pay a fee.'' (SOUCE: Social Security Numbers: Private Sector Entities Routinely Obtain and Use SSNs, and Laws Limit the Disclosure of this Information (2004, Report Number GAO–04–11), on Highlights Page).

I personally first became aware of the need for a law to restrict the sale and display of Social Security numbers about eight years ago, when one of my staff members sat me down and downloaded my own Social Security Number from the Internet in a matter of minutes. Congress has done shockingly little to protect Social Security Numbers since then.

Therefore, we badly need a uniform law such as the one that the GAO report anticipates. Year after year, I have advocated and proposed such legislation that would restrict the public display and use of Social Security Numbers.

In the 106th Congress, I introduced S. 2966.

In the 107th Congress, I introduced, S. 848 and S. 3100.

In the 108th Congress, I introduced S. 228.

None of these bills moved. Today, I stand before you yet again, to introduce a fifth bill to take steps that will make it more difficult for thieves to steal this precious resource. This is not a partisan issue—all of the bills that I introduced in the past were bipartisan. And so is this bill: in the House, as I mentioned, it was passed unanimously in the Ways and Means Committee, and also has 41 co-sponsors, including 16 Republicans and 25 Democrats. This issue does not concern Republican government or Democratic government; rather, this is an issue of good government.

Earlier this year, the President signed into law a bill that I helped to author, to increase punishment for those who steal the identities of others. But punishment is not enough. We need to stop identity theft from occurring in the first place.

We have only three weeks until the end of this Congress to enact this legislation to prevent such thefts by protecting Social Security Numbers. If we do not pass this legislation now, we will have to wait yet again to give basic protection to information that should have been under lock and key long ago. It is time for us to act. Thank you.

I ask unanimous consent, the text of the accompanying bill be printed in the RECORD.

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

S. 2801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Social Security Number Privacy and Identity Theft Prevention Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—PROVISIONS RELATING TO THE SOCIAL SECURITY ACCOUNT NUMBER IN THE PUBLIC AND PRIVATE SECTORS

Sec. 101. Restrictions on the sale or display to the general public of social security account numbers by governmental agencies.
Sec. 102. Regulatory authority.
Sec. 103. Prohibition of display of social security account numbers on checks issued for payment by governmental agencies.
Sec. 104. Prohibition of the display of social security account numbers on driver's licenses or motor vehicle registrations.
Sec. 105. Prohibition of the display of personal identification numbers on government employee identification cards or tags.
Sec. 106. Prohibition of inmate access to social security account numbers.
Sec. 107. Measures to preclude unauthorized disclosure of social security account numbers and protect the confidentiality of such numbers.
Sec. 108. Prohibition of sale, purchase, and display to the general public of the social security account number in the private sector.
Sec. 109. Confidential treatment of credit header information.
Sec. 110. Refusal to do business without receipt of social security account number considered unfair or deceptive Act or practice.

TITLE II—MEASURES TO ENSURE THE INTEGRITY OF APPLICATIONS FOR SOCIAL SECURITY ACCOUNT NUMBERS AND REPLACEMENT SOCIAL SECURITY CARDS

Sec. 201. Independent verification of birth records provided in support of applications for social security account numbers.
Sec. 202. Enumeration at birth.
Sec. 203. Study relating to use of photographic identification in connection with applications for benefits, social security account numbers, and social security cards.
Sec. 204. Restrictions on issuance of multiple replacement social security cards.
Sec. 205. Study relating to modification of the social security account numbering system to show work authorization status.

TITLE III—ENFORCEMENT

Sec. 301. New criminal penalties for misuse of social security account numbers.
Sec. 302. Extension of civil monetary penalty authority.
Sec. 303. Criminal penalties for employees of the Social Security Administration who knowingly and fraudulently issue social security cards or social security account numbers.
Sec. 304. Enhanced penalties in cases of terrorism, drug trafficking, crimes of violence, or prior offenses.

TITLE I—PROVISIONS RELATING TO THE SOCIAL SECURITY ACCOUNT NUMBER IN THE PUBLIC AND PRIVATE SECTORS

SEC. 101. RESTRICTIONS ON THE SALE OR DISPLAY TO THE GENERAL PUBLIC OF SOCIAL SECURITY ACCOUNT NUMBERS BY GOVERNMENTAL AGENCIES.

(a) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following new clause:

''(x)(I) An executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or a political subdivision thereof or a trustee appointed in a case under title 11, United States Code (or person acting as an agent of such an agency or instrumentality or trustee) may not sell or display to the general public any social security account number if such number has been disclosed to such agency, instrumentality, trustee, or agent pursuant to the assertion by such an agency, instrumentality, trustee, or agent to any person that disclosure of such number is mandatory. Notwithstanding the preceding sentence, such number may be sold or displayed to the general public in accordance with the exceptions specified in subclauses (II), (III), (IV), (V), (VI), (VII), and (VIII) (and for no other purpose).

''(II) Notwithstanding subclause (I), a social security account number may be sold by an agency, instrumentality, trustee, or agent referred to in subclause (I) to the extent that such sale is specifically authorized by this Act.

''(III) Notwithstanding subclause (I), a social security account number may be sold by an agency, instrumentality, trustee, or agent referred to in subclause (I) to the extent that is necessary or appropriate for law enforcement or national security purposes, as determined under regulations which shall be issued as provided in subparagraph (I) of this paragraph.

''(IV) Notwithstanding subclause (I), a social security account number may be sold by an agency, instrumentality, trustee, or agent referred to in subclause (I) to the extent that such sale is required to comply with a tax law of the United States or of any State (or political subdivision thereof).

''(V) Notwithstanding subclause (I), a social security account number may be sold by a State department of motor vehicles as authorized under subsection (b) of section 2721 of title 18, United States Code, if such number is to be used pursuant to such sale solely for purposes permitted under paragraph (1), (6), or (9) of such subsection.

''(VI) Notwithstanding subclause (I), a social security account number may be sold or otherwise made available by an agency, instrumentality, trustee, or agent referred to in subclause (I) to a consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) for use or disclosure solely for permissible purposes described in section 604(a) of such Act (15 U.S.C. 1681b(a)).

''(VII) Notwithstanding subclause (I), a social security account number may be sold by an agency, instrumentality, trustee, or agent referred to in subclause (I) to the extent necessary for research (other than market research) conducted by any agency or instrumentality referred to in subclause (I) (or an agent of such an agency or instrumentality) for the purpose of advancing the public good, on the condition that the researcher provides adequate assurances that the social security account numbers will not be used to harass, target, or publicly reveal information concerning any identifiable individuals, that information about identifiable individuals obtained from the research will not be used to make decisions that directly affect the rights, benefits, or privileges of specific individuals, and that the researcher has in place appropriate safeguards to protect the privacy and confidentiality of any information about identifiable individuals, including procedures to ensure that the social security account numbers will be encrypted or otherwise appropriately secured from unauthorized disclosure. In the case of social security account numbers which constitute personally identifiable medical information, the Commissioner of Social Security, with respect to medical research referred to in the preceding sentence, and the Attorney General of the United States, with respect to any medical research not referred to in the preceding sentence but which is treated in regulations of the Attorney General issued pursuant to subclause (VIII), shall maintain ongoing consultation with the Office for Civil Rights of the Department of Health and Human Services to ensure that the sale or purchase of such social security account numbers is permitted only in compliance with existing Federal rules and regulations prescribed by the Secretary of Health and Human Services pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (110 Stat. 2033).

''(VIII) Notwithstanding subclause (I), a social security account number may be sold or displayed to the general public by an agency, instrumentality, trustee, or agent referred to in subclause (I) under such other circumstances as may be specified in regulations issued as provided in subparagraph (I) of this paragraph.

''(IX) This clause does not apply with respect to a social security account number of a deceased individual.

''(X) For purposes of this clause, the term 'sell' means, in connection with a social security account number, to accept an item of material value in exchange for such number.

''(XI) For purposes of this clause, the term 'display to the general public' shall have the meaning provided such term in section 208A(a)(3)(A). In any case in which an agency, instrumentality, trustee, or agent referred to in subclause (I) requires transmittal to such agency, instrumentality, trustee, or agent of an individual's social security account number by means of the Internet without reasonable provisions to ensure that such number is encrypted or otherwise appropriately secured from disclosure, any such transmittal of such number as so required shall be treated, for purposes of this clause, as a 'display to the general public' of such number by such agency, instrumentality, trustee, or agent for purposes of this clause.

''(XII) For purposes of this clause, the term social security account number includes any derivative of such number. Notwithstanding the preceding sentence, any expression, contained in or on any item sold or displayed to the general public, shall not be treated as a social security account number solely because such expression sets forth not more than the last 4 digits of such number if the remainder of such number cannot be determined based solely on such expression or any other matter presented in such material.

''(XIII) Nothing in this clause shall be construed to supersede, alter, or affect any restriction or limitation on the sale or display

to the general public of social security account numbers, provided in any Federal statute, regulation, order, or interpretation, if the restriction or limitation is greater than that provided under this clause, as determined under applicable regulations issued by the Commissioner of Social Security or by the Attorney General of the United States or another agency or instrumentality of the United States as provided in subparagraph (I) of this paragraph.''.

(b) EFFECTIVE DATE AND RELATED RULES.—

(1) IN GENERAL.—Initial final regulations prescribed to carry out the provisions of section 205(c)(2)(C)(x) of the Social Security Act (added by this section) shall be issued not later than the last date of the 18th calendar month following the date of the enactment of this Act. Such provisions shall take effect, with respect to matters governed by such regulations issued by the Commissioner of Social Security, or (pursuant to section 205(c)(2)(I) of such Act (added by section 102)) by the Attorney General of the United States or any other agency or instrumentality of the United States, 1 year after the date of the issuance of such regulations by the Commissioner, the Attorney General, or such other agency or instrumentality, respectively. Such amendment shall apply in the case of displays to the general public, as defined in section 208A(a)(3) of such Act (added by section 108), to such displays originally occurring after such 1-year period. Such provisions shall not apply with respect to any display of a record (containing a social security account number (or any derivative thereof)) generated prior to the close of such 1-year period.

(2) SUNSET OF EXCEPTION.—The last sentence of subclause (XI) of section 205(c)(2)(C)(x) of the Social Security Act (added by this section) shall cease to be effective with respect to sales, purchases, or displays to the general public occurring after 6 years after the 18th calendar month referred to in paragraph (1).

SEC. 102. REGULATORY AUTHORITY.

Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

''(I)(i) The Attorney General of the United States shall prescribe regulations to carry out the provisions of subclauses (III) and (VIII) of subparagraph (C)(x) of this paragraph, subparagraphs (A) and (B) of section 208A(b)(2), section 208A(b)(3)(B), and section 208A(c)(2). In issuing such regulations, the Attorney General shall consult with the Commissioner of Social Security, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Secretary of the Treasury, the Federal Trade Commission, the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration, the Securities and Exchange Commission, State attorneys general, and such representatives of the State insurance commissioners as may be designated by the National Association of Insurance Commissioners. Any agency or instrumentality of the United States may exercise the authority of the Attorney General under this subparagraph, with respect to matters otherwise subject to regulation by such agency or instrumentality, to the extent determined appropriate in regulations of the Attorney General.

''(ii) In issuing the regulations described in clause (i) pursuant to the provisions of subparagraph (C)(x)(III), paragraph (A) or (B) of section 208A(b)(2), or section 208A(c)(2) (relating to law enforcement and national security), the Attorney General may authorize the sale or purchase of Social Security account numbers only if the Attorney General determines that—

''(I) such sale or purchase would serve a compelling public interest that cannot reasonably be served through alternative measures, and

''(II) such sale or purchase will not pose an unreasonable risk of identity theft, or bodily, emotional, or financial harm to an individual (taking into account any restrictions and conditions that the Attorney General imposes on the sale, purchase, or disclosure).

''(iii) In issuing the regulations described in clause (i) pursuant to the provisions of subparagraph (C)(x)(VIII) of this paragraph or section 208A(b)(3)(B), the Attorney General may authorize the sale, purchase, or display to the general public of social security account numbers only after considering, among other relevant factors—

''(I) the associated cost or burden to the general public, businesses, commercial enterprises, non-profit organizations, and Federal, State, and local governments; and

''(II) the associated benefit to the general public, businesses, commercial enterprises, non-profit associations, and Federal, State, and local governments.

''(iv) If, after considering the factors in clause (iii), the Attorney General authorizes, in regulations referred to in clause (iii), the sale, purchase, or display to the general public of social security account numbers, the Attorney General shall impose restrictions and conditions on the sale, purchase, or display to the general public to the extent necessary—

''(I) to provide reasonable assurances that social security account numbers will not be used to commit or facilitate fraud, deceptions, or crime, and

''(II) to prevent an unreasonable risk of identity theft or bodily, emotional, or financial harm to any individual, considering the nature, likelihood, and severity of the anticipated harm that could result from the sale, purchase, or display to the general public of social security account numbers, together with the nature, likelihood, and extent of any benefits that could be realized.

''(v) In the issuance of regulations pursuant to this subparagraph, notice shall be provided as described in paragraphs (1), (2), and (3) of section 553(b) of title 5, United States Code, and opportunity to participate in the rule making shall be provided in accordance with section 553(c) of such title.

''(vi) Each agency and instrumentality exercising authority to issue regulations under this subparagraph shall consult and coordinate with the other such agencies and instrumentalities for the purposes of assuring, to the extent possible, that the regulations prescribed by each such agency or instrumentality are consistent and comparable, as appropriate, with the regulations prescribed by the other such agencies and instrumentalities. The Attorney General shall undertake to facilitate such consultation and coordination.

''(vii) For purposes of this subparagraph, the terms 'sell', 'purchase', and 'display to the general public' shall have the meanings provided such terms under subparagraph (C)(x) of this paragraph or under section 208A(a), as applicable.

''(viii) For purposes of this subparagraph, subparagraph (C)(x)(XI) shall apply.''.

SEC. 103. PROHIBITION OF DISPLAY OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL AGENCIES.

(a) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by section 101) is amended further by adding at the end the following new clause:

''(xi) No executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or a political subdivision thereof or trustee appointed in a case under title 11, United States Code (or person acting as an agent of such an agency or instrumentality or trustee) may include the social security account number of any individual (or any derivative of such number) on any check issued for any payment by the Federal Government, any State or political subdivision thereof, or any agency or instrumentality thereof, or such trustee or on any document attached to or accompanying such a check.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to checks (and documents attached to or accompanying such checks) issued after 1 year after the date of the enactment of this Act.

SEC. 104. PROHIBITION OF THE DISPLAY OF SOCIAL SECURITY ACCOUNT NUMBERS ON DRIVER'S LICENSES OR MOTOR VEHICLE REGISTRATIONS.

(a) IN GENERAL.—Section 205(c)(2)(C)(vi) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(vi)) is amended—

(1) by inserting ''(I)'' after ''(vi)''; and

(2) by adding at the end the following new subclause:

''(II) Any State or political subdivision thereof (and any person acting as an agent of such an agency or instrumentality), in the administration of any driver's license or motor vehicle registration law within its jurisdiction, may not display a social security account number issued by the Commissioner of Social Security (or any derivative of such number) on any driver's license or motor vehicle registration or any other document issued by such State or political subdivision to an individual for purposes of identification of such individual or include on any such license, registration, or other document a magnetic strip, bar code, or other means of communication which conveys such number (or derivative thereof).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to licenses, registrations, and other documents issued or reissued after 1 year after the date of the enactment of this Act.

SEC. 105. PROHIBITION OF THE DISPLAY OF PERSONAL IDENTIFICATION NUMBERS ON GOVERNMENT EMPLOYEE IDENTIFICATION CARDS OR TAGS.

(a) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by the preceding provisions of this title) is amended further by adding at the end the following new clause:

''(xii) No executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof, and no other person offering benefits in connection with an employee benefit plan maintained by such agency or instrumentality or acting as an agent of such agency or instrumentality, may display a social security account number (or any derivative thereof) on any card or tag that is commonly provided to employees of such agency or instrumentality (or to their family members) for purposes of identification or include on such card or tag a magnetic strip, bar code, or other means of communication which conveys such number.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to cards or tags issued after 1 year after the date of the enactment of this Act.

SEC. 106. PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.

(a) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by the preceding provisions of this title) is amended further by adding at the end the following new clause:

''(xiii) No executive, legislative, or judicial agency or instrumentality of the Federal

Government or of a State or political subdivision thereof (or person acting as an agent of such an agency or instrumentality) may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to employment of prisoners, or entry into contract for the use or employment of prisoners, on or after the date of the enactment of this Act.

(2) TREATMENT OF CURRENT ARRANGEMENTS.—In the case of—

(A) prisoners employed as described in clause (xiii) of section 205(c)(2)(C) of the Social Security Act (as added by this section) on the date of the enactment of this Act, and

(B) contracts described in such clause in effect on such date,

the amendment made by this section shall take effect 90 days after the date of the enactment of this Act.

SEC. 107. MEASURES TO PRECLUDE UNAUTHORIZED DISCLOSURE OF SOCIAL SECURITY ACCOUNT NUMBERS AND PROTECT THE CONFIDENTIALITY OF SUCH NUMBERS.

(a) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by the preceding provisions of this title) is amended further by adding at the end the following new clause:

''(xiv) Except as otherwise provided in this paragraph, in the case of any executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof and any trustee appointed in a case under title 11, United States Code (and any agent of such agency, instrumentality, or trustee) having in its possession an individual's social security account number—

''(I) no officer or employee thereof shall have access to such number for any purpose other than the effective administration of the statutory provisions governing its functions,

''(II) such agency, instrumentality, trustee, or agent shall restrict, to the satisfaction of the Commissioner of Social Security, access to social security account numbers obtained thereby to officers and employees thereof whose duties or responsibilities require access for the administration or enforcement of such provisions, and

''(III) such agency, instrumentality, trustee, or agent shall provide such other safeguards as the Commissioner of Social Security determines to be necessary or appropriate to preclude unauthorized access to the social security account number and to otherwise protect the confidentiality of such number.

For purposes of this clause the term social security account number includes any derivative thereof. ''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 1 year after the date of the enactment of this Act.

SEC. 108. PROHIBITION OF THE SALE, PURCHASE, AND DISPLAY TO THE GENERAL PUBLIC OF THE SOCIAL SECURITY ACCOUNT NUMBER IN THE PRIVATE SECTOR.

(a) IN GENERAL.—Title II of the Social Security Act is amended by inserting after section 208 (42 U.S.C. 408) the following new section:''Prohibition of the sale, purchase, and display to the general public of the Social Security account number in the private sector

''SEC. 208A. (a) DEFINITIONS.—For purposes of this section:

''(1) PERSON.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

''(B) GOVERNMENTAL ENTITIES.—Such term does not include a governmental entity. Nothing in this subparagraph shall be construed to authorize, in connection with a governmental entity, an act or practice otherwise prohibited under this section or section 205(c)(2)(C).

''(2) SELLING AND PURCHASING.—

''(A) IN GENERAL.—Subject to subparagraph (B)—

''(i) SELL.—The term 'sell' in connection with a social security account number means to obtain, directly or indirectly, anything of value in exchange for such number.

''(ii) PURCHASE.—The term 'purchase' in connection with a social security account number means to provide, directly or indirectly, anything of value in exchange for such number.

''(B) EXCEPTIONS.—The terms 'sell' and 'purchase' in connection with a social security account number do not include the submission of such number as part of—

''(i) the process for applying for any type of Government benefits or programs (such as grants or loans or welfare or other public assistance programs),

''(ii) the administration of, or provision of benefits under, an employee benefit plan, or

''(iii) the sale, lease, merger, transfer, or exchange of a trade or business.

''(3) DISPLAY TO THE GENERAL PUBLIC.—

''(A) IN GENERAL.—The term 'display to the general public' means, in connection with a social security account number, to intentionally place such number in a viewable manner on an Internet site that is available to the general public or to make such number available in any other manner intended to provide access to such number by the general public.

''(B) INTERNET TRANSMISSIONS.—In any case in which a person requires, as a condition of doing business with such person, transmittal to such person of an individual's social security account number by means of the Internet without reasonable provisions to ensure that such number is encrypted or otherwise secured from disclosure, any such transmittal of such number as so required shall be treated as a 'display to the general public' of such number by such person.

''(4) SOCIAL SECURITY ACCOUNT NUMBER.—The term 'social security account number' has the meaning given such term in section 208(c), except that such term includes any derivative of such number. Notwithstanding the preceding sentence, any expression, contained in or on any item sold or displayed to the general public, shall not be treated as a social security account number solely because such expression sets forth not more than the last 4 digits of such number, if the remainder of such number cannot be determined based solely on such expression or any other matter presented in or on such item.

''(b) PROHIBITION OF SALE, PURCHASE, AND DISPLAY TO THE GENERAL PUBLIC.—(1) Except as provided in paragraph (2), it shall be unlawful for any person to—

''(A) sell or purchase a social security account number or display to the general public a social security account number, or

''(B) obtain or use any individual's social security account number for the purpose of locating or identifying such individual with the intent to physically injure or harm such individual or using the identity of such individual for any illegal purpose.

''(2) Notwithstanding paragraph (1), and subject to paragraph (3), a social security account number may be sold or purchased by any person to the extent provided in this subsection (and for no other purpose) as follows:

''(A) to the extent necessary for law enforcement, including (but not limited to) the enforcement of a child support obligation, as determined under regulations issued as provided in section 205(c)(2)(I);

''(B) to the extent necessary for national security purposes, as determined under regulations issued as provided in section 205(c)(2)(I);

''(C) to the extent necessary for public health purposes;

''(D) to the extent necessary in emergency situations to protect the health or safety of 1 or more individuals;

''(E) to the extent that the sale or purchase is required to comply with a tax law of the United States or of any State (or political subdivision thereof);

''(F) to the extent that the sale or purchase is to or by a consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) for use or disclosure solely for permissible purposes described in section 604(a) of such Act (15 U.S.C. 1681b(a)); and

''(G) to the extent necessary for research (other than market research) conducted by an agency or instrumentality of the United States or of a State or political subdivision thereof (or an agent of such an agency or instrumentality) for the purpose of advancing the public good, on the condition that the researcher provides adequate assurances that—

''(i) the social security account numbers will not be used to harass, target, or publicly reveal information concerning any identifiable individuals;

''(ii) information about identifiable individuals obtained from the research will not be used to make decisions that directly affect the rights, benefits, or privileges of specific individuals; and

''(iii) the researcher has in place appropriate safeguards to protect the privacy and confidentiality of any information about identifiable individuals, including procedures to ensure that the social security account numbers will be encrypted or otherwise appropriately secured from unauthorized disclosure.

''(3) Notwithstanding paragraph (1), a social security account number assigned to an individual may be sold, purchased, or displayed to the general public by any person—

''(A) to the extent consistent with such individual's voluntary and affirmative written consent to the sale, purchase, or display of the social security account number, but only if—

''(i) the terms of the consent and the right to refuse consent are presented to the individual in a clear, conspicuous, and understandable manner,

''(ii) the individual is placed under no obligation to provide consent to any such sale, purchase, or display, and

''(iii) the terms of the consent authorize the individual to limit the sale, purchase, or display to purposes directly associated with the transaction with respect to which the consent is sought, and

''(B) under such circumstances as may be deemed appropriate in regulations issued as provided under section 205(c)(2)(I).

''(4) In the case of social security account numbers which constitute personally identifiable medical information—

''(A) the Commissioner of Social Security, with respect to medical research referred to in paragraph (3)(A), and

''(B) the Attorney General of the United States, with respect to any medical research not referred to in paragraph (3)(A) but which

is treated in regulations of the Attorney General issued pursuant to paragraph (3)(B), shall maintain ongoing consultation with the Office for Civil Rights of the Department of Health and Human Services to ensure that the sale or purchase of such social security account numbers is permitted only in compliance with existing Federal rules and regulations prescribed by the Secretary of Health and Human Services pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (110 Stat. 2033).

''(c) PROHIBITION OF UNAUTHORIZED DISCLOSURE TO GOVERNMENT AGENCIES OR INSTRUMENTALITIES.—(1) It shall be unlawful for any person to communicate by any means to any agency or instrumentality of the United States or of any State or political subdivision thereof the social security account number of any individual other than such person without the written permission of such individual, unless the number was requested by the agency or instrumentality. In the case of an individual who is legally incompetent, permission provided by the individual's legal representatives shall be deemed to be permission provided by such individual.

''(2) Paragraph (1) shall not apply to the extent necessary—

''(A) for law enforcement, including (but not limited to) the enforcement of a child support obligation, or

''(B) for national security purposes,

as determined under regulations issued as provided under section 205(c)(2)(I).

''(d) PROHIBITION OF THE DISPLAYS ON CARDS OR TAGS REQUIRED FOR ACCESS TO GOODS, SERVICES, OR BENEFITS.—No person may display a social security account number on any card or tag issued to any other person for the purpose of providing such other person access to any goods, services, or benefits or include on such card or tag a magnetic strip, bar code, or other means of communication which conveys such number.

''(e) PROHIBITION OF THE DISPLAYS ON EMPLOYEE IDENTIFICATION CARDS OR TAGS.—No person that is an employer, and no other person offering benefits in connection with an employee benefit plan maintained by such employer or acting as an agent of such employer, may display a social security account number on any card or tag that is commonly provided to employees of such employer (or to their family members) for purposes of identification or include on such card or tag a magnetic strip, bar code, or other means of communication which conveys such number.

''(f) MEASURES TO PRECLUDE UNAUTHORIZED DISCLOSURE OF SOCIAL SECURITY ACCOUNT NUMBERS AND PROTECT THE CONFIDENTIALITY OF SUCH NUMBERS.—Subject to the preceding provisions of this section, any person having in such person's records the social security account number of any individual other than such person shall, to the extent that such records are maintained for the conduct of such person's trade or business—

''(1) ensure that no officer or employee thereof has access to such number for any purpose other than as necessary for the conduct of such person's trade or business,

''(2) restrict, in accordance with regulations of the Commissioner, access to social security account numbers obtained thereby to officers and employees thereof whose duties or responsibilities require access for the conduct of such person's trade or business, and

''(3) provide such safeguards as may be specified, in regulations of the Commissioner, to be necessary or appropriate to preclude unauthorized access to the social security account number and to otherwise protect the confidentiality of such number.

''(g) DECEASED INDIVIDUALS.—This section does not apply with respect to the social security account number of a deceased individual.

''(h) CRIMINAL PENALTY.—Any person who violates this section shall be guilty of a felony and upon conviction thereof shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

''(i) APPLICABILITY OF OTHER PROTECTIONS.—Nothing in this section shall be construed to supersede, alter, or affect any restriction or limitation on the sale, purchase, display to the general public, or other disclosure of social security account numbers, provided in any Federal statute, regulation, order, or interpretation, if the restriction or limitation is greater than that provided under this section, as determined under applicable regulations issued by the Commissioner of Social Security or by the Attorney General of the United States or another agency or instrumentality of the United States as provided in section 205(c)(2)(I).''.

(b) EFFECTIVE DATE AND RELATED RULES.—

(1) IN GENERAL.—Initial final regulations prescribed to carry out the provisions of section 208A of the Social Security Act (added by this section) shall be issued not later than the last date of the 18th calendar month following the date of the enactment of this Act. Such provisions shall take effect, with respect to matters governed by such regulations issued by the Commissioner of Social Security, or (pursuant to section 205(c)(2)(I) of such Act (added by section 102)) by the Attorney General of the United States or any other agency or instrumentality of the United States, 1 year after the date of the issuance of such regulations by the Commissioner, the Attorney General, or such other agency or instrumentality, respectively. Section 208A(b) of such Act shall apply in the case of displays to the general public (as defined in section 208A(a)(3) of such Act) to such displays to the general public originally occurring after such 1-year period. Such provisions shall not apply with respect to any such display to the general public of a record (containing a social security account number (or any derivative thereof)) generated prior to the close of such 1-year period.

(2) SUNSET OF EXCEPTION.—The last sentence of section 208A(a)(4) of the Social Security Act (added by this section) shall cease to be effective with respect to sales, purchases, or displays to the general public occurring after 6 years after the 18th calendar month referred to in paragraph (1).

SEC. 109. CONFIDENTIAL TREATMENT OF CREDIT HEADER INFORMATION.

(a) IN GENERAL.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

''(q) CONFIDENTIAL TREATMENT OF CREDIT HEADER INFORMATION.—Information regarding the social security account number of the consumer, or any derivative thereof, may not be furnished to any person by a consumer reporting agency other than in a full consumer report furnished in accordance with section 604 and other requirements of this title.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 90 days after the date of the enactment of this Act.

SEC. 110. REFUSAL TO DO BUSINESS WITHOUT RECEIPT OF SOCIAL SECURITY ACCOUNT NUMBER CONSIDERED UNFAIR OR DECEPTIVE ACT OR PRACTICE.

(a) IN GENERAL.—Any person who refuses to do business with an individual because the individual will not consent to the receipt by such person of the social security account number of such individual shall be considered to have committed an unfair or deceptive act or practice in violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45). Action may be taken under such section 5 against such a person.

(b) EXCEPTION.—Subsection (a) shall not apply to any person in any case in which such person is expressly required under Federal law, in connection with doing business with an individual, to submit to the Federal Government such individual's social security account number.

(c) EFFECTIVE DATE.—The preceding provisions of this section shall apply with respect to acts or practices committed after 180 days after the date of the enactment of this Act.

TITLE II—MEASURES TO ENSURE THE INTEGRITY OF APPLICATIONS FOR SOCIAL SECURITY ACCOUNT NUMBERS AND REPLACEMENT SOCIAL SECURITY CARDS

SEC. 201. INDEPENDENT VERIFICATION OF BIRTH RECORDS PROVIDED IN SUPPORT OF APPLICATIONS FOR SOCIAL SECURITY ACCOUNT NUMBERS.

(a) APPLICATIONS FOR SOCIAL SECURITY ACCOUNT NUMBERS.—Section 205(c)(2)(B)(ii) of the Social Security Act (42 U.S.C. 405(c)(2)(B)(ii)) is amended—

(1) by inserting ''(I)'' after ''(ii)''; and

(2) by adding at the end the following new subclause:

''(II) With respect to an application for a social security account number for an individual, other than for purposes of enumeration at birth, the Commissioner shall require independent verification of any birth record provided by the applicant in support of the application. The Commissioner may provide by regulation for reasonable exceptions from the requirement for independent verification under this subclause in any case in which the Commissioner determines there is minimal opportunity for fraud.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to applications filed after 270 days after the date of the enactment of this Act.

(c) STUDY REGARDING APPLICATIONS FOR REPLACEMENT SOCIAL SECURITY CARDS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall undertake a study to test the feasibility and cost effectiveness of verifying all identification documents submitted by an applicant for a replacement social security card. As part of such study, the Commissioner shall determine the feasibility of, and the costs associated with, the development of appropriate electronic processes for third party verification of any such identification documents which are issued by agencies and instrumentalities of the Federal Government and of the States (and political subdivisions thereof).

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commissioner shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the results of the study undertaken under paragraph (1). Such report shall contain such recommendations for legislative changes as the Commissioner considers necessary to implement needed improvements in the process for verifying identification documents submitted by applicants for replacement social security cards.

SEC. 202. ENUMERATION AT BIRTH.

(a) IMPROVEMENT OF APPLICATION PROCESS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall undertake to make improvements to the enumeration at birth program for the issuance of social security account numbers

to newborns. Such improvements shall be designed to prevent—

(A) the assignment of social security account numbers to unnamed children;

(B) the issuance of more than 1 social security account number to the same child; and

(C) other opportunities for fraudulently obtaining a social security account number.

(2) REPORT TO THE CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Commissioner shall transmit to each House of the Congress a report specifying in detail the extent to which the improvements required under paragraph (1) have been made.

(b) STUDY REGARDING PROCESS FOR ENUMERATION AT BIRTH.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall undertake a study to determine the most efficient options for ensuring the integrity of the process for enumeration at birth. Such study shall include an examination of available methods for reconciling hospital birth records with birth registrations submitted to agencies of States and political subdivisions thereof and with information provided to the Commissioner as part of the process for enumeration at birth.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commissioner shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the results of the study undertaken under paragraph (1). Such report shall contain such recommendations for legislative changes as the Commissioner considers necessary to implement needed improvements in the process for enumeration at birth.

SEC. 203. STUDY RELATING TO USE OF PHOTOGRAPHIC IDENTIFICATION IN CONNECTION WITH APPLICATIONS FOR BENEFITS, SOCIAL SECURITY ACCOUNT NUMBERS, AND SOCIAL SECURITY CARDS.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall undertake a study to—

(1) determine the best method of requiring and obtaining photographic identification of applicants for old-age, survivors, and disability insurance benefits under title II of the Social Security Act, for a social security account number, or for a replacement social security card, and of providing for reasonable exceptions to any requirement for photographic identification of such applicants that may be necessary to promote efficient and effective administration of this title, and

(2) evaluate the benefits and costs of instituting such a requirement for photographic identification, including the degree to which the security and integrity of the old-age, survivors, and disability insurance program would be enhanced.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commissioner shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the results of the study undertaken under paragraph (1). Such report shall contain such recommendations for legislative changes as the Commissioner considers necessary relating to requirements for photographic identification of applicants described in subsection (a).

SEC. 204. RESTRICTIONS ON ISSUANCE OF MULTIPLE REPLACEMENT SOCIAL SECURITY CARDS.

(a) IN GENERAL.—Section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)) is amended by adding at the end the following new sentence: ''The Commissioner shall restrict the issuance of multiple replacement social security cards to any individual to 3 per year and to 10 for the life of the individual, except in any case in which the Commissioner determines there is minimal opportunity for fraud.''.

(b) REGULATIONS AND EFFECTIVE DATE.—The Commissioner of Social Security shall issue regulations under the amendment made by subsection (a) not later than 1 year after the date of the enactment of this Act. Systems controls developed by the Commissioner pursuant to such amendment shall take effect upon the earlier of the issuance of such regulations or the end of such 1-year period.

SEC. 205. STUDY RELATING TO MODIFICATION OF THE SOCIAL SECURITY ACCOUNT NUMBERING SYSTEM TO SHOW WORK AUTHORIZATION STATUS.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security, shall undertake a study to examine the best method of modifying the social security account number assigned to individuals who—

(1) are not citizens of the United States,

(2) have not been admitted for permanent residence, and

(3) are not authorized by the Secretary of Homeland Security to work in the United States, or are so authorized subject to one or more restrictions,

so as to include an indication of such lack of authorization to work or such restrictions on such an authorization.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commissioner shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the results of the study undertaken under this section. Such report shall include the Commissioner's recommendations of feasible options for modifying the social security account number in the manner described in subsection (a).

TITLE III—ENFORCEMENT

SEC. 301. NEW CRIMINAL PENALTIES FOR MISUSE OF SOCIAL SECURITY ACCOUNT NUMBERS.

(a) IN GENERAL.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (7), by adding after subparagraph (C) the following new subparagraph:

''(D) with intent to deceive, discloses, sells, or transfers his own social security account number, assigned to him by the Commissioner of Social Security (in the exercise of the Commissioner's authority under section 205(c)(2) to establish and maintain records), to any person; or'';

(2) in paragraph (8), by adding ''or'' at the end; and

(3) by inserting after paragraph (8) the following new paragraphs:

''(9) without lawful authority, offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional social security account number or a number that purports to be a social security account number; or

''(10) being an officer or employee of any executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof (or a person acting as an agent of such an agency or instrumentality), willfully acts or fails to act so as to cause a violation of section 205(c)(2)(C)(xi); or

''(11) being an officer or employee of any executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof (or a person acting as an agent of such an agency or instrumentality) in possession of any individual's social security account number (or an officer or employee thereof or a person acting as an agent thereof), willfully acts or fails to act so as to cause a violation of clause (vi)(II), (x), (xi), (xii), (xiii), or (xiv) of section 205(c)(2)(C); or

''(12) being a trustee appointed in a case under title 11, United States Code (or an officer or employee thereof or a person acting as an agent thereof), willfully acts or fails to act so as to cause a violation of clause (x), (xi), or (xiv) of section 205(c)(2)(C);''.

(b) EFFECTIVE DATES.—Paragraphs (7)(D) and (9) of section 208(a) of the Social Security Act (added by subsection (a)(2)) shall apply with respect to each violation occurring after the date of the enactment of this Act. Paragraphs (10), (11), and (12) of section 208(a) of such Act (added by subsection (a)(2)) shall apply with respect to each violation occurring on or after the effective date applicable with respect to such violation under title I.

SEC. 302. EXTENSION OF CIVIL MONETARY PENALTY AUTHORITY.

(a) APPLICATION OF CIVIL MONEY PENALTIES TO ELEMENTS OF CRIMINAL VIOLATIONS.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by designating the last sentence of paragraph (1) as a new paragraph (2), appearing after and below paragraph (1); and

(3) by inserting after paragraph (2) (as designated under paragraph (2) of this subsection) the following:

''(3) Any person (including an organization, agency, or other entity) who—

''(A) uses a social security account number that such person knows or should know has been assigned by the Commissioner of Social Security (in an exercise of authority under section 205(c)(2) to establish and maintain records) on the basis of false information furnished to the Commissioner by any person;

''(B) falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to any individual, when such person knows or should know that such number is not the social security account number assigned by the Commissioner to such individual;

''(C) knowingly alters a social security card issued by the Commissioner of Social Security, or possesses such a card with intent to alter it;

''(D) knowingly buys or sells a card that is, or purports to be, a card issued by the Commissioner of Social Security, or possesses such a card with intent to buy or sell it;

''(E) counterfeits a social security card, or possesses a counterfeit social security card with intent to buy or sell it;

''(F) discloses, uses, compels the disclosure of, or knowingly sells or purchases the social security account number of any person in violation of the laws of the United States;

''(G) with intent to deceive the Commissioner of Social Security as to such person's true identity (or the true identity of any other person), furnishes or causes to be furnished false information to the Commissioner with respect to any information required by the Commissioner in connection with the establishment and maintenance of the records provided for in section 205(c)(2);

''(H) without lawful authority, offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional social security account number or a number which purports to be a social security account number;

''(I) with intent to deceive, discloses, sells, or transfers his own social security account number, assigned to him by the Commissioner of Social Security under section 205(c)(2)(B), to any person;

''(J) being an officer or employee of any executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof (or a person acting as an agent of such an agency or instrumentality), in possession of any individual's social security account number, willfully acts or fails to act so as to cause a violation of clause (vi)(II), (x), (xi), (xii), (xiii), or (xiv) of section 205(c)(2)(C);

''(K) being a trustee appointed in a case under title 11, United States Code (or an officer or employee thereof or a person acting as an agent thereof), willfully acts or fails to act so as to cause a violation of clause (x), (xi), or (xiv) of section 205(c)(2)(C);

''(L) violates section 208A (relating to prohibition of the sale, purchase, or display of the social security account number in the private sector); or

''(M) violates section 208B (relating to fraud by social security administration employees);

shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each violation. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from such violation, of not more than twice the amount of any benefits or payments paid as a result of such violation.''.

(b) EFFECTIVE DATES.—The amendments made by this section shall apply with respect to violations committed after the date of the enactment of this Act, except that subparagraphs (J), (K), (L), and (M) of section 1129(a)(3) of the Social Security Act (added by subsection (a)) shall apply with respect to violations occurring on or after the effective date provided in connection with such violations under title I.

SEC. 303. CRIMINAL PENALTIES FOR EMPLOYEES OF THE SOCIAL SECURITY ADMINISTRATION WHO KNOWINGLY AND FRAUDULENTLY ISSUE SOCIAL SECURITY CARDS OR SOCIAL SECURITY ACCOUNT NUMBERS.

(a) IN GENERAL.—Title II of the Social Security Act (as amended by the preceding provisions of this Act) is amended further by inserting after section 208A the following new section:

''FRAUD BY SOCIAL SECURITY ADMINISTRATION EMPLOYEES

''SEC. 208B. (a) Whoever is an employee of the Social Security Administration and knowingly and fraudulently sells or transfers one or more social security account numbers or social security cards shall be guilty of a felony and upon conviction thereof shall be fined under title 18, United States Code, imprisoned as provided in subsection (b), or both.

''(b) Imprisonment for a violation described in subsection (a) shall be for—

''(1) not less than 1 year and up to 5 years, in the case of an employee of the Social Security Administration who has fraudulently sold or transferred not more than 50 social security account numbers or social security cards,

''(2) not less than 5 years and up to 10 years, in the case of an employee of the Social Security Administration who has fraudulently sold or transferred more than 50, but not more than 100, social security account numbers or social security cards, or

''(3) not less than 10 years and up to 20 years, in the case of an employee of the Social Security Administration who has fraudulently sold or transferred more than 100 social security account numbers or social security cards.

''(c) For purposes of this section—

''(1) The term 'social security employee' means any State employee of a State disability determination service, any officer, employee, or contractor of the Social Security Administration, any employee of such a contractor, or any volunteer providing services or assistance in any facility of the Social Security Administration.

''(2) The term 'social security account number' means a social security account number assigned by the Commissioner of Social Security under section 205(c)(2)(B) or another number that has not been so assigned but is purported to have been so assigned.

''(3) The term 'social security card' means a card issued by the Commissioner of Social Security under section 205(c)(2)(G), another card which has not been so issued but is purported to have been so issued, and banknote paper of the type described in section 205(c)(2)(G) prepared for the entry of social security account numbers, whether fully completed or not.

''(d) Any employee of the Social Security Administration who attempts or conspires to commit any violation of this section shall be subject to the same penalties as those prescribed for the violation the commission of which was the object of the attempt or conspiracy.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring on or after the date of the enactment of this Act.

SEC. 304. ENHANCED PENALTIES IN CASES OF TERRORISM, DRUG TRAFFICKING, CRIMES OF VIOLENCE, OR PRIOR OFFENSES.

(a) AMENDMENTS TO TITLE II.—Section 208 of the Social Security Act (42 U.S.C. 408) is amended—

(1) in subsection (a), by striking ''shall be fined'' and all that follows and inserting the following: ''shall be fined, imprisoned, or both, as provided in subsection (b).'';

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(3) by inserting after subsection (a) the following new subsection:

''(b) A person convicted of a violation described in subsection (a) shall be—

''(1) fined under title 18, United States Code, or imprisoned for not more than 5 years, or both, in the case of an initial violation, subject to paragraphs (3) and (4),

''(2) fined under title 18, United States Code, or imprisoned for not more than 10 years, or both, in the case of a violation which occurs after a prior conviction for another offense under subsection (a) becomes final, subject to paragraphs (3) and (4),

''(3) fined under title 18, United States Code, or imprisoned for not more than 20 years, in the case of a violation which is committed to facilitate a drug trafficking crime (as defined in section 929(a)(2) of title 18, United States Code) or in connection with a crime of violence (as defined in section 924(c)(3) of title 18, United States Code), subject to paragraph (4), and

''(4) fined under title 18, United States Code, or imprisoned for not more than 25 years, in the case of a violation which is committed to facilitate an act of international or domestic terrorism (as defined in paragraphs (1) and (5), respectively, of section 2331 of title 18, United States Code).''; and

(4) in subsection (c) (as redesignated by paragraph (2))—

(A) by striking the first sentence; and

(B) in the second sentence, by striking ''any violation described in the preceding sentence, including a first such violation'' and inserting ''a violation of any of the provisions of this section committed by any person or other entity in the role of such person or entity as, or in applying to become, a certified payee under section 205(j) on behalf of another individual (other than such person's spouse)''.

(b) AMENDMENTS TO TITLE VIII.—Section 811 of such Act (42 U.S.C. 1011) is amended—

(1) in subsection (a), by striking ''shall be fined'' and all that follows and inserting ''shall be fined, imprisoned, or both, as provided in subsection (b).'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection:

''(b) PUNISHMENT.—A person convicted of a violation described in subsection (a) shall be—

''(1) fined under title 18, United States Code, or imprisoned for not more than 5 years, or both, in the case of an initial violation, subject to paragraphs (3) and (4),

''(2) fined under title 18, United States Code, or imprisoned for not more than 10 years, or both, in the case of a violation which occurs after a prior conviction for another offense under subsection (a) becomes final, subject to paragraphs (3) and (4),

''(3) fined under title 18, United States Code, or imprisoned for not more than 20 years, in the case of a violation which is committed to facilitate a drug trafficking crime (as defined in section 929(a)(2) of title 18, United States Code) or in connection with a crime of violence (as defined in section 924(c)(3) of title 18, United States Code), subject to paragraph (4), and

''(4) fined under title 18, United States Code, or imprisoned for not more than 25 years, in the case of a violation which is committed to facilitate an act of international or domestic terrorism (as defined in paragraphs (1) and (5), respectively, of section 2331 of title 18, United States Code).''.

(c) AMENDMENTS TO TITLE XVI.—Section 1632 of such Act (42 U.S.C. 1383a) is amended—

(1) in subsection (a), by striking ''shall be fined'' and all that follows and inserting ''shall be fined, imprisoned, or both, as provided in subsection (b).'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following new subsection:

''(b) A person convicted of a violation described in subsection (a) shall be—

''(1) fined under title 18, United States Code, or imprisoned for not more than 5 years, or both, in the case of an initial violation, subject to paragraphs (3) and (4),

''(2) fined under title 18, United States Code, or imprisoned for not more than 10 years, or both, in the case of a violation which occurs after a prior conviction for another offense under subsection (a) becomes final, subject to paragraphs (3) and (4),

''(3) fined under title 18, United States Code, or imprisoned for not more than 20 years, in the case of a violation which is committed to facilitate a drug trafficking crime (as defined in section 929(a)(2) of title 18, United States Code) or in connection with a crime of violence (as defined in section 924(c)(3) of title 18, United States Code), subject to paragraph (4), and

''(4) fined under title 18, United States Code, or imprisoned for not more than 25 years, in the case of a violation which is committed to facilitate an act of international or domestic terrorism (as defined in paragraphs (1) and (5), respectively, of section 2331 of title 18, United States Code).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect

to violations occurring after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 424—DESIGNATING OCTOBER 2004 AS ''PROTECTING OLDER AMERICANS FROM FRAUD MONTH''

Mr. CRAIG submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 424

Whereas perpetrators of financial crimes frequently target their fraud schemes at older Americans because older Americans possess a large percentage of the individual household wealth in the United States;

Whereas many older Americans have been divested of their hard-earned life savings by fraud and frequently pay a high emotional cost, losing not only their money, but also their self-respect and dignity;

Whereas perpetrators of fraud schemes against older Americans reach their victims through the telephone, the mail, or the Internet;

Whereas the United States Postal Inspection Service responded to nearly 80,000 fraud complaints, arrested 1,453 fraud offenders, secured nearly 1,387 fraud convictions, and initiated 102 civil or administrative actions involving fraud in fiscal year 2003;

Whereas fraud investigations by the United States Postal Inspection Service in fiscal year 2003 resulted in nearly $1,500,000,000 in court-ordered and voluntary restitution payments;

Whereas older Americans are often the disproportionate targets of cross-border fraud, including prize promotions, sweepstakes scams, foreign money offers, advance-fee loans, and foreign lotteries, and file 20 percent of all cross-border fraud complaints;

Whereas there was an 80 percent increase in 2003 of reports of Internet fraud targeting older Americans, and the amount of money lost by older Americans to Internet fraud increased from $2,690,618 in 2002 to $12,818,313 in 2003, a 375 percent increase in money lost;

Whereas the Federal Trade Commission reports that 27,300,000 people in the United States have been victims of identity theft in the last 5 years, including 9,900,000 people in the last year alone, and that identity theft has cost businesses and financial institutions nearly $48,000,000,000, in addition to the reported $5,000,000,000 in out-of-pocket expenses incurred by consumer fraud victims;

Whereas there was a 200 percent increase in 2002 of identity theft targeting older Americans, and credit card fraud is perpetrated against older Americans at a higher rate than the general population of the United States;

Whereas the Federal Trade Commission continues to successfully implement its do-not-call registry, with 60 percent of consumers surveyed stating that they registered and 80 percent of the registered consumers surveyed reporting fewer calls, but more older Americans need to be aware that the do-not-call registry is available;

Whereas fraud schemes targeting older Americans have caused losses estimated at millions of dollars a year, and have cost some older Americans their homes;

Whereas consumer awareness is the best protection from telemarketing, mail, Internet, and identity fraud schemes, and the Federal Trade Commission and the United States Postal Inspection Service have resources available to educate and assist the public; and

Whereas it is vital to increase public awareness of the enormous impact that fraud has on older Americans and to educate the public, older Americans, their families, and their caregivers about a wide array of fraud schemes, such as telemarketing, mail, Internet, and identity fraud, and how to report suspected fraud to the appropriate authorities: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 2004 as ''Protecting Older Americans From Fraud Month''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the month with appropriate activities and programs that—

(A) prevent the purveyors of telemarketing, mail, Internet, and identity fraud from victimizing the people of the United States; and

(B) educate and inform the public, older Americans, their families, and their caregivers about a number of financial crimes, such as telemarketing, mail, Internet, and identity fraud.

SENATE RESOLUTION 425—HONORING FORMER PRESIDENT WILLIAM JEFFERSON CLINTON ON THE OCCASION OF HIS 58TH BIRTHDAY

Mr. DASCHLE (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 425

Whereas former President William Jefferson Clinton was born in Hope, Arkansas, on August 19, 1946;

Whereas William Jefferson Clinton attended Georgetown University as an undergraduate and received a Rhodes Scholarship in 1968;

Whereas William Jefferson Clinton received a law degree from Yale University in 1973;

Whereas William Jefferson Clinton established a record of public service as Attorney General of Arkansas, Governor of Arkansas, and Chairman of the National Governors Association;

Whereas William Jefferson Clinton campaigned for and won the Democratic nomination for President in 1992;

Whereas William Jefferson Clinton was elected the 42d President of the United States in 1992 and was reelected for a second term in 1996;

Whereas during William Jefferson Clinton's time in office the United States experienced 8 years of economic expansion, job growth, and the transformation of a budget deficit into a budget surplus;

Whereas William Jefferson Clinton rallied the members of the North Atlantic Treaty Organization to put an end to ethnic cleansing in the Balkans and to depose the murderous regime of Slobodan Milosevic, actions which eventually led to the signing of the Dayton Peace Accords;

Whereas William Jefferson Clinton played a major role in the Good Friday Peace Accords which finally brought peace to war-torn Northern Ireland; and

Whereas, in the words of President George W. Bush, William Jefferson Clinton 'showed a deep and far-ranging knowledge of public policy, a great compassion for people in need, and the forward-looking spirit the Americans like in a President': Now, therefore, be it

Resolved, That the Senate honors former President William Jefferson Clinton on the occasion of his 58th birthday on August 19, 2004, and extends best wishes to him and his family.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3630. Mr. DODD (for himself, Mr. SPECTER, Mr. HARKIN, Mr. LEVIN, Mr. SARBANES, Mr. KENNEDY, Mr. DASCHLE, Mr. SCHUMER, Mrs. CLINTON, and Mr. REID) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

SA 3631. Mrs. CLINTON (for herself, Mrs. FEINSTEIN, Mr. DODD, and Mr. SCHUMER) proposed an amendment to the bill H.R. 4567, supra.

SA 3632. Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. KENNEDY, and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3633. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3634. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3635. Mr. FEINGOLD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3636. Mr. BAUCUS (for himself, Mr. BURNS, Mr. CONRAD, Mr. ROBERTS, Mr. DORGAN, Mr. BROWNBACK, Mr. NELSON of Nebraska, Mr. HAGEL, Mr. COLEMAN, Mr. DAYTON, Mrs. CLINTON, Mrs. MURRAY, Ms. STABENOW, Mr. JOHNSON, Mr. DASCHLE, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3637. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3638. Mr. HATCH (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3639. Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 4567, supra.

SA 3640. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3641. Mrs. BOXER (for herself, Mr. CARPER, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4567, supra.

SA 3642. Mrs. BOXER (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3643. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3644. Ms. MURKOWSKI (for herself, Mr. INOUYE, and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3645. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3646. Mr. TALENT (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3647. Ms. STABENOW (for herself, Mr. CRAIG, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3648. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3649. Mr. BYRD (for himself, Mr. LEVIN, Mr. BINGAMAN, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 4567, supra.

SA 3650. Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3651. Mrs. CLINTON (for herself and Mr. SCHUMER) proposed an amendment to the bill H.R. 4567, supra.

SA 3652. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) proposed an amendment to the bill H.R. 4567, supra.

SA 3653. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3654. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3655. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3656. Mr. SCHUMER (for himself, Mr. SARBANES, Mr. REED, Mrs. CLINTON, and Mr. KENNEDY) proposed an amendment to the bill H.R. 4567, supra.

SA 3657. Mr. COCHRAN (for Mr. DURBIN (for himself and Mr. AKAKA)) proposed an amendment to the bill H.R. 4567, supra.

SA 3658. Mr. COCHRAN (for Mr. DOMENICI) proposed an amendment to the bill H.R. 4567, supra.

SA 3659. Mr. COCHRAN (for Mr. TALENT) proposed an amendment to the bill H.R. 4567, supra.

TEXT OF AMENDMENTS

SA 3630. Mr. DODD (for himself, Mr. SPECTER, Mr. HARKIN, Mr. LEVIN, Mr. SARBANES, Mr. KENNEDY, Mr. DASCHLE, Mr. SCHUMER, Mrs. CLINTON, and Mr. REID) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 21, between lines 20 and 21, insert the following:

FIRE DEPARTMENT STAFFING ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a), to remain available until September 30, 2006, $100,000,000: *Provided*, That not to exceed 5 percent of this amount shall be available for program administration: *Provided, further*, That the amount appropriated by title I under the heading ''OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT'' is hereby reduced by $70,000,000, the amount appropriated by title IV under the heading ''INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION MANAGEMENT AND ADMINISTRATION'' is hereby reduced by $20,000,000, and the amount appropriated by title IV under the heading ''SCIENCE AND TECHNOLOGY MANAGEMENT AND ADMINISTRATION'' is hereby reduced by $10,000,000.

SA 3631. Mrs. CLINTON (for herself, Mrs. FEINSTEIN, Mr. DODD, and Mr. SCHUMER) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 19, line 21, insert '', which shall be allocated based on factors such as threat, vulnerability, population, population density, the presence of critical infrastructure, and other factors that the Secretary considers appropriate,'' after ''grants''.

SA 3632. Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. KENNEDY, and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515.

(a) It is the sense of the Senate that in allocating Urban Area Security Initiative funds to high-threat, high-density urban areas, the Secretary of Homeland Security should ensure that urban areas that face the greatest threat receive Urban Area Security Initiative resources commensurate with that threat.

(b) The amount appropriated to the Office of State and Local Government Coordination and Preparedness for the fiscal year ending September 30, 2005, for discretionary grants for use in high-threat, high-density urban areas under title III of this Act is increased by $625,000,000.

SA 3633. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 14, line 19, strike the period and insert the following: '': *Provided further*, That not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives, a report on opportunities for integrating the process by which the Coast Guard issues letters of recommendation for proposed liquefied natural gas marine terminals, including the elements of such process relating to vessel transit, facility security assessment and facility security plans under the Maritime Transportation Security Act, and the process by which the Federal Energy Regulatory Commission issues permits for such terminals under the National Environmental Policy Act: *Provided further*, That the report shall include an examination of the advisability of requiring that activities of the Coast Guard relating to vessel transit, facility security assessment and facility security plans under the Maritime Transportation Security Act be completed for a proposed liquefied natural gas marine terminal before a final environmental impact statement for such terminal is published under the Federal Energy Regulatory Commission process.''.

SA 3634. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the Secretary of Homeland Security shall provide to the Committee on Commerce, Science, and Transportation and the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate, a classified report on the number of individuals serving as Federal Air Marshals. Such report shall include the number of Federal Air Marshals who are women, minorities, or employees of departments or agencies of the United States Government other than the Department of Homeland Security, the percentage of domestic and international flights that have a Federal Air Marshal aboard, and the rate at which individuals are leaving service as Federal Air Marshals.

SA 3635. Mr. FEINGOLD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. DATA-MINING REPORT.

(a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term ''data-mining'' means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government;

(B) the search does not use a specific individual's personal identifiers to acquire information concerning that individual; and

(C) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist, criminal, or other law enforcement related activity.

(2) DATABASE.—The term ''database'' does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES.—

(1) REQUIREMENT FOR REPORT.—The head of each agency in the Department of Homeland Security or the privacy officer, if applicable, that is engaged in any activity to use or develop data-mining technology shall each submit a public report to Congress on all such activities of the agency under the jurisdiction of that official.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology, the plans for the use of such technology, the data that will be used, and the target dates for the deployment of the data-mining technology.

(B) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(C) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(D) Any necessary classified information in an annex that shall be available to the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be submitted not

later than 90 days after the end of fiscal year 2005.

SA 3636. Mr. BAUCUS (for himself, Mr. BURNS, Mr. CONRAD, Mr. ROBERTS, Mr. DORGAN, Mr. BROWNBACK, Mr. NELSON of Nebraska, Mr. HAGEL, Mr. COLEMAN, Mr. DAYTON, Mrs. CLINTON, Mrs. MURRAY, Ms. STABENOW, Mr. JOHNSON, Mr. DASCHLE, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ____—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. ____01. CROP DISASTER ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) ADDITIONAL COVERAGE.—The term ''additional coverage'' has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(2) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(3) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(b) EMERGENCY FINANCIAL ASSISTANCE.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture (referred to in this title as the ''Secretary'') shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop or quality losses for the 2003 or 2004 crop (as elected by a producer), but not both, due to damaging weather or related condition, as determined by the Secretary.

(c) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(d) REDUCTION IN PAYMENTS.—The amount of assistance that a producer would otherwise receive for a qualifying crop or quality loss under this section shall be reduced by the amount of assistance that the producer receives under the crop loss assistance program announced by the Secretary on August 27, 2004.

(e) INELIGIBILITY FOR ASSISTANCE.—Except as provided in subsection (f), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses; and

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses.

(f) CONTRACT WAIVER.—The Secretary may waive subsection (e) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(1) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) providing additional coverage for the insurable commodity for each of the next 2 crops; and

(2) in the case of a noninsurable commodity, to file the required paperwork and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next 2 crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(g) EFFECT OF VIOLATION.—In the event of the violation of a contract under subsection (f) by a producer, the producer shall reimburse the Secretary for the full amount of the assistance provided to the producer under this section.

SEC. ____02. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2003 or 2004 losses (as elected by a producer), but not both, in a county that has received an emergency designation by the President or the Secretary after January 1, 2003, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(c) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock assistance program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

SEC. ____03. TREE ASSISTANCE PROGRAM.

The Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the tree assistance program established under subtitle C of title X of the Farm Security and Rural Investment Act of 2002 to producers who suffered tree losses during the winter of 2003 through 2004.

SEC. ____04. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

SEC. ____05. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. ____06. EMERGENCY DESIGNATION.

Amounts appropriated or otherwise made available in this title are each designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1014).

SA 3637. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, between lines 7 and 8, insert the following:

ASSISTANCE FOR PRAIRIE DOG OVERPOPULATION AND GRASSLAND REVEGETATION

For projects and activities of the Nebraska National Forest relating to the control of prairie dog overpopulation and development of a long-term strategy for control and revegetation of national grasslands, $2,000,000, to be derived by transfer from the Vegetation and Watershed Management Account of the Forest Service and to be available without regard to any requirement for a statement or analysis: *Provided*, That the amount appropriated under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1014).

SA 3638. Mr. HATCH (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds available in this Act shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department function, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

SA 3639. Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year

ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. During fiscal year 2005 the Secretary of Homeland Security and the Secretary of Defense shall permit the New Mexico Army National Guard to continue performing vehicle and cargo inspection activities in support of the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement under the authority of the Secretary of Defense to support counterdrug activities of law enforcement agencies.

SA 3640. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 5 . No funds appropriated or otherwise made available by this Act shall be used to pursue, implement, or enforce any law, procedure, guideline, rule, regulation, or other policy that exposes the identity of an air marshal to any party not designated by the Secretary of the Department of Homeland Security.

SA 3641. Mrs. BOXER (for herself, Mr. CARPER, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 20, line 14, strike ''rail'' and insert ''inter-city passenger rail transportation (as defined in section 24102(5) of title 49, United States Code), freight rail,''.

SA 3642. Mrs. BOXER (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. (a) The Secretary of Homeland Security, in coordination with the head of the Transportation Security Administration and the Under Secretary for Science and Technology, shall prepare a report on protecting commercial aircraft from the threat of man-portable air defense systems (referred to in this section as ''MANPADS'').

(b) The report required by subsection (a) shall include the following:

(1) An estimate of the number of organizations, including terrorist organizations, that have access to MANPADS and a description of the risk posed by each organization.

(2) A description of the programs carried out by the Secretary of Homeland Security to protect commercial aircraft from the threat posed by MANPADS.

(3) An assessment of the effectiveness and feasibility of the systems to protect commercial aircraft under consideration by the Under Secretary for Science and Technology for use in phase II of the counter-MANPADS development and demonstration program.

(4) A justification for the schedule of the implementation of phase II of the counter-MANPADS development and demonstration program.

(5) An assessment of the effectiveness of other technology that could be employed on commercial aircraft to address the threat posed by MANPADS, including such technology that is—

(A) either active or passive;

(B) employed by the Armed Forces; or

(C) being assessed or employed by other countries.

(6) An assessment of alternate technological approaches to address such threat, including ground-based systems.

(7) A discussion of issues related to any contractor liability associated with the installation or use of technology or systems on commercial aircraft to address such threat.

(8) A description of the strategies that the Secretary may employ to acquire any technology or systems selected for use on commercial aircraft at the conclusion of phase II of the counter-MANPADS development and demonstration program, including—

(A) a schedule for purchasing and installing such technology or systems on commercial aircraft; and

(B) a description of—

(i) the priority in which commercial aircraft will be equipped with such technology or systems;

(ii) any efforts to coordinate the schedules for installing such technology or system with private airlines;

(iii) any efforts to ensure that aircraft manufacturers integrate such technology or systems into new aircraft; and

(iv) the cost to operate and support such technology or systems on a commercial aircraft.

(9) A description of the plan to expedite the use of technology or systems on commercial aircraft to address the threat posed by MANPADS if intelligence or events indicate that the schedule for the use of such technology or systems, including the schedule for carrying out development and demonstration programs by the Secretary, should be expedited.

(10) A description of the efforts of the Secretary to survey and identify the areas at domestic and foreign airports where commercial aircraft are most vulnerable to attack by MANPADS.

(11) A description of the cooperation between the Secretary and the Administrator of the Federal Aviation Administration to certify the airworthiness and safety of technology and systems to protect commercial aircraft from the risk posed by MANPADS in an expeditious manner.

(c) The report required by subsection (a) shall be transmitted to Congress along with the budget for fiscal year 2006 submitted by the President pursuant to section 1105(a) of title 31, United States Code.

SA 3643. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING THE AMERICAN RED CROSS AND CRITICAL BIOMEDICAL SYSTEMS.

(a) FINDINGS.—The Senate finds that—

(1) the blood supply is a vital public health resource that must be readily available at all times, particularly in response to terrorist attacks and natural disasters;

(2) the provision of blood is an essential part of the critical infrastructure of the United States and must be protected from threats of terrorism;

(3) disruption of the blood supply or the compromising of its integrity could have wide-ranging implications on the ability of the United States to react in a crisis; and

(4) the need exists to ensure that blood collection facilities maintain adequate inventories to prepare for disasters at all times in all locations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Homeland Security's Information Analysis and Infrastructure Protection should consult with the American Red Cross to—

(1) identify critical assets and interdependencies;

(2) perform vulnerability assessments; and

(3) identify necessary resources to implement protective measures to ensure continuity of operations and security of information technology systems for blood and blood products.

SA 3644. Ms. MURKOWSKI (for herself, Mr. INOUYE, and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. DISASTER ASSISTANCE EMPLOYEE CADRES OF EMERGENCY PREPAREDNESS AND RESPONSE DIRECTORATE.

(a) IN GENERAL.—The Secretary of Homeland Security is encouraged to place special emphasis on the recruitment of American Indians, Alaska Natives, and Native Hawaiians for positions within Disaster Assistance Employee cadres maintained by the Emergency Preparedness and Response Directorate.

(b) REPORT.—The Secretary of Homeland Security shall report periodically to the Senate and the House of Representatives with respect to—

(1) the representation of American Indians, Alaska Natives, and Native Hawaiians in the Disaster Assistance Employee cadres; and

(2) the efforts of the Secretary of Homeland Security to increase the representation of such individuals in the cadres.

SA 3645. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 6, line 2, strike the period and insert '': *Provided further,* That of the total amount provided, not less than $4,750,000 may be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107–210; 116 Stat. 988 et seq.).''.

On page 8, line 18, strike the period and insert '': *Provided further,* That of the total amount provided for, not less than $4,750,000 shall be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107–210; 116 Stat. 988 et seq.).''.

SA 3646. Mr. TALENT (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. It is the sense of the Senate that—

(1) the Director of the Office for State and Local Government Coordination and Preparedness be given limited authority to approve requests from the senior official responsible for emergency preparedness and response in each State to reprogram funds appropriated for the State Homeland Security Grant Program of the Office for State and Local Government Coordination and Preparedness to address specific security requirements that are based on credible threat assessments, particularly threats that arise after the State has submitted an application describing its intended use of such grant funds;

(2) for each State, the amount of funds reprogrammed under this section should not exceed 10 percent of the total annual allocation for such State under the State Homeland Security Grant Program; and

(3) before reprogramming funds under this section, a State official described in paragraph (1) should consult with relevant local officials.

SA 3647. Ms. STABENOW (for herself, Mr. CRAIG, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 21, line 4, insert ''*Provided further*, That funds under this heading may be used to provide a reasonable stipend to part-time and volunteer first responders who are not otherwise compensated for travel to or participation in terrorism response courses approved by the Office for Domestic Preparedness, which stipend shall not be paid if such first responder is otherwise compensated by an employer for such time and shall not be considered compensation for purposes of rendering such first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.):'' after ''Homeland Security:''.

SA 3648. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 16, line 4, before the period at the end, insert the following: '': *Provided, further*, That the budget for fiscal year 2006 that is submitted under section 1105(a) of title 31, United States Code, may include an amount for the Coast Guard that is sufficient to fund delivery of a long-term maritime patrol aircraft capability that is consistent with the original procurement plan for the CN–235 aircraft beyond the three aircraft already funded in previous fiscal years''.

SA 3649. Mr. BYRD (for himself, Mr. LEVIN, Mr. BINGAMAN, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration relating to aviation security services pursuant to the amendments made by the Aviation and Transportation Security Act (115 Stat. 597), $70,000,000, to remain available until expended, for activities relating to screening passengers and carry-on baggage for explosives.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses,'' $20,000,000, for non-homeland security missions (as defined in section 888(a) of the Homeland Security Act of 2002 (6 U.S.C. 468(a))).

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements,'' $80,000,000, to remain available until September 30, 2009, for the Integrated Deepwater Systems program.

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

STATE AND LOCAL PROGRAMS

For additional amounts for ''State and Local Programs,'' $225,000,000: *Provided*, That of the amounts made available under this heading, $100,000,000 shall be available for discretionary grants for use in high-threat, high-density urban areas as determined by the Secretary of Homeland Security, and $125,000,000 shall be for port security grants.

MASS TRANSIT AND RAIL SECURITY

For necessary expenses relating to mass transit, freight and passenger rail security grants, including security grants for the National Railroad Passenger Corporation, a backup communications facility for the Washington Area Metropolitan Transit Authority, security upgrades for various rail tunnels, research and development of rail security methods and technology, capital construction, and operating requirements, $75,000,000.

SEC. ____. PROHIBITION ON ACQUISITION OF PETROLEUM PRODUCTS FOR STRATEGIC PETROLEUM RESERVE.

(a) FUNDING PROHIBITION.—None of the funds made available by this Act or any other Act may be used during fiscal year 2005 to acquire petroleum products for storage in the Strategic Petroleum Reserve.

(b) AMOUNTS OF OIL CURRENTLY UNDER CONTRACT FOR DELIVERY.—The Secretary of the Interior shall sell, in fiscal year 2005, any petroleum products under contract, as of the date of enactment of this Act, for delivery to the Strategic Petroleum Reserve in that fiscal year.

SA 3650. Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. The total amount appropriated by title II for the Pre-Disaster Mitigation Fund under the heading ''MITIGATION GRANTS'' is hereby increased by $10,654,000. Of such total amount, as so increased, $10,654,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1014) and shall be available for for the purchase of flood-damaged homes in northeastern Indiana.

SA 3651. Mrs. CLINTON (for herself and Mr. SCHUMER) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Of any funds previously made available to the Federal Emergency Management Agency in response to the September 11, 2001, attacks in New York City, not less than $4,450,000 shall be provided, subject to the request of the Governor of New York, to those mental health counseling service entities that have historically provided mental health counseling through Project Liberty to personnel of the New York City Police Department, the New York City Fire Department, and other emergency services agencies, to continue such counseling.

SA 3652. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ____—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. ____. CROP LOSSES.

In addition to amounts otherwise made available under this Act, there is appropriated $560,000,000, to remain available until expended, for the Commodity Credit Corporation Fund for crop losses in excess of 25 percent of the expected production of a crop (including nursery stock, citrus, dairy, timber, vegetables, tropical fruit, clams and other shellfish, tropical fish, poultry, sugar, hay, equines, wildflower seed, sod, and honeybees and losses sustained by packing houses) in the State of Florida resulting from Hurricane Charley or Frances: *Provided*, That any producer of crops and livestock in the State of Florida that has suffered at least 25 percent loss to a crop covered by this section, 25 percent loss to livestock, and damage to building structure in 2004, resulting from Hurricane Charley or Frances, shall be eligible for emergency crop loss assistance, emergency livestock feed assistance under the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471 et seq.), and loans and loan guarantees under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

SEC. ____. WATERSHED AND FLOOD PREVENTION OPERATIONS.

In addition to amounts otherwise made available under this Act, there is appropriated $30,000,000, to remain available until expended, for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) and related watershed and flood prevention operations, an additional amount to repair damage to the waterways and watersheds in the State of Florida resulting from Hurricane Charley or Frances.

SEC. ___. EMERGENCY CONSERVATION PROGRAM.

In addition to amounts otherwise made available under this Act, there is appropriated $60,000,000, to remain available until expended, for the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), an additional amount to repair damage to farmland (including nurseries and structures) in the State of Florida resulting from Hurricane Charley or Frances.

SEC. ___. AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT.

In addition to amounts otherwise made available under this Act, there is appropriated $25,000,000, to remain available until expended, for the Agricultural Credit Insurance Fund program account for the cost of emergency insured loans for costs in the State of Florida resulting from Hurricane Charley or Frances.

SEC. ___. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

In addition to amounts otherwise made available under this Act, there is appropriated $10,000,000, to remain available until expended, for emergency grants to assist low-income migrant and seasonal farmworkers under section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a): *Provided*, That the emergency services to be provided may include such types of assistance as the Secretary of Agriculture determines to be necessary and appropriate (including repair of existing farmworker housing and construction of new farmworker housing units, including housing that may be used by H-2A workers) to replace housing damaged as a result of Hurricane Charley or Frances.

SEC. ___. RURAL HOUSING FOR DOMESTIC FARM LABOR.

In addition to amounts otherwise made available under this Act, there is appropriated $10,000,000, to remain available until expended, for rural housing for domestic farm labor for the cost of repair and replacement of uninsured losses resulting from natural disasters such as Hurricanes Charley and Frances.

SEC. ___. STATE AND PRIVATE FORESTRY.

In addition to amounts otherwise made available under this Act, there is appropriated $5,000,000, to remain available until expended, of which $2,500,000 shall be made available for urban and community forestry and of which $2,500,000 shall be made available for wildland-urban interface fire suppression efforts resulting from fuel loading from damaged or destroyed tree stands in the State of Florida resulting from Hurricane Charley or Frances.

SEC. ___. EMERGENCY DESIGNATION.

The amounts appropriated in this title are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1014).

SA 3653. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 12, line 23, insert before the last period '': *Provided*, That not to exceed $53,000,000 may be provided for transportation worker identification credentialing and $2,000,000 for tracking trucks carrying hazardous material''.

SA 3654. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

In section 515 (a) insert ''and the Committee on Environment and Public Works of the Senate'' after ''Governmental Affairs''.

SA 3655. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 7, line 16, strike ''$2,413,438,000,'' and insert the following: ''$2,763,438,000, of which $200,000,000 shall be reserved for the International Civil Aviation Organization to establish biometric and document identification standards to measure multiple immutable physical characteristics, including fingerprints, eye retinas, and eye-to-eye width and for the Department of Homeland Security to place multiple biometric identifiers at each point of entry; of which $50,000,000 shall be reserved for a program that requires the government of each country participating in the visa waiver program to certify that such country will comply with the biometric standards established by the International Civil Aviation Organization; of which $25,000,000 shall be reserved for the entry and exit data systems of the Department of Homeland Security to accommodate traffic flow increases; of which $50,000,000 shall be reserved to integrate the entry and exit data collection and analysis systems of the Department of Homeland Security, the Department of State, and the Department of Justice, including the Federal Bureau of Investigation; of which $25,000,000 shall be reserved to establish a uniform translation and transliteration service for all ports of entry to identify the names of individuals entering and exiting the United States;''.

SA 3656. Mr. SCHUMER (for himself, Mr. SARBANES, Mr. REED, Mrs. CLINTON, and Mr. KENNEDY) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 20, line 7, strike ''$1,200,000,000'' and insert ''$1,550,000,000''.

On page 20, line 13, strike ''$150,000,000'' and insert ''$500,000,000''.

SA 3657. Mr. COCHRAN (for Mr. DURBIN (for himself and Mr. AKAKA)) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Sections 702 and 703 of the Homeland Security Act of 2002 (6 U.S.C. 342 and 343) are amended by striking '', or to another official of the Department, as the Secretary may direct'' each place it appears.

SA 3658. Mr. COCHRAN (for Mr. DOMENICI) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. —.

Section 208(a) of Public Law 108–137; 117 Stat. 1849 is amended by striking ''current'' and inserting ''2005''.

SA 3659. Mr. COCHRAN (for Mr. TALENT) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. LIAISON FOR DISASTER EMERGENCIES.

(a) DEPLOYMENT OF DISASTER LIAISON.—If requested by the Governor or the appropriate State agency of the affected State, the Secretary of Agriculture may deploy disaster liaisons to State and local Department of Agriculture Service Centers in a federally declared disaster area whenever Federal Emergency Management Agency Personnel are deployed in that area, to coordinate Department programs with the appropriate disaster agencies designated under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) QUALIFICATIONS.—A disaster liaison shall be selected from among Department employees who have experience providing emergency disaster relief in federally declared disaster areas.

(c) DUTIES.—A disaster liaison shall—

(1) serve as a liaison to State and Federal Emergency Services;

(2) be deployed to a federally declared disaster area to coordinate Department interagency programs in assistance to agricultural producers in the declared disaster area;

(3) facilitate the claims and applications of agricultural producers who are victims of the disaster that are forwarded to the Department by the appropriate State Department of Agriculture agency director; and

(4) coordinate with the Director of the State office of the appropriate Department agency to assist with the application for and distribution of economic assistance.

(d) DURATION OF DEPLOYMENT.—The deployment of a disaster liaison under subsection (a) may not exceed 30 days.

(e) DEFINITION.—In this section, the term ''federally declared disaster area'' means—

(1) an area covered by a Presidential declaration of major disaster, including a disaster caused by a wildfire, issued under section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); or

(2) determined to be a disaster area, including a disaster caused by a wildfire, by the Secretary under subpart A of part 1945 of title 7, Code of Federal Regulations.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 14, 2004, at 10 a.m., to hear testimony on ''Implementing the Medicare Prescription Drug Benefit and

Medicare Advantage Program: Perspectives on the Proposed Rules.''

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

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to continue its markup on Tuesday, September 14, 2004 at 10 a.m. in Dirksen Senate Office Building Room 226.

Agenda

I. Nominations

Claude A. Allen, to be U.S. Circuit Judge for the Fourth Circuit; David E. Nahmias, of Georgia, to be United States Attorney for the Northern District of Georgia; Ricardo H. Hinojosa, to be Chair of the United States Sentencing Commission; Michael O'Neill, to be a Member of the United States Sentencing Commission; Ruben Castillo, to be a Member of the United States Sentencing Commission; William Sanchez, to be Special Counsel for Immigration-Related Unfair Employment Practice; Richard B. Roper III, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years.

II. Legislation

S. 1635, L–1 Visa (Intracompany Transferee) Reform Act of 2003, Chambliss;

S. 1700, Advancing Justice through DNA Technology Act of 2003, Hatch, Biden, Specter, Leahy, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards;

S. 2396, Federal Courts Improvement Act of 2004, Hatch, Leahy, Chambliss, Durbin, Schumer;

H.R. 1417, To amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges Act of 2003, Smith–TX, Berman–CA, Conyers–MI;

S. 2204, A bill to provide criminal penalties for false information and hoaxes relating to terrorism Act of 2004, Hatch, Schumer, Cornyn, Feinstein, DeWine;

S. 1860, A bill to reauthorize the Office of National Drug Control Policy Act of 2003, Hatch, Biden, Grassley;

S. 2195, A bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors Act of 2004, Biden, Hatch, Grassley, Feinstein;

S.J. Res. 23, A joint resolution proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated Act of 2003, Cornyn, Chambliss.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 14, 2004 at 10 a.m. to hold a hearing on the nomination of Porter J. Gross to be Director of Central Intelligence.

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

SPECIAL COMMITTEE ON AGING

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, September 14, 2004 from 10:00 a.m. to 12:00 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights be authorized to meet on Tuesday, September 14, 2004 to conduct a hearing on ''Hospital Group Purchasing: How To Maintain Innovation and Cost Savings'', at 2:00 p.m. in Room 226 of the Dirksen Senate Office Building.

Witness List:

Dr. Robert Betz, President and CEO, Health Industry Group Purchasing Association, Arlington, VA.

Joe E. Kiani, President and CEP, Masimo Corporation, Irvine, CA.

David Balto, Robins, Kaplan, Miller & Ciresi, LLP, Washington, DC.

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

SUBCOMMITTEE ON OCEANS, FISHERIES, AND COAST GUARD

Mr. COCHRAN. Mr. President, I ask unanimous consent that Subcommittee on Oceans, Fisheries and Coast Guard be authorized to meet on Tuesday, September 14, 2004, at 8:30 a.m. on Magnuson/Stevens Act.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, be authorized to meet on Tuesday, September 14, 2004 at 9:30 a.m. for a hearing entitled, ''The 9/11 Commission Human Capital Recommendations: A Critical Element of Reform.''

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Public Land and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 14 at 2:30 p.m.

The purpose of the hearing is to receive testimony on S. 2532, to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, NV, and for other purposes; S. 2723, to designate certain land in the State of Oregon as wilderness, and for other purposes; and S. 2709, to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, and for other purposes.

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

PRIVILEGE OF THE FLOOR

Mr. SCHUMER. Mr. President, I ask unanimous consent my new Judiciary staffer, Joshua Levy, be given floor privileges during the duration of this session of Congress.

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

UNANIMOUS CONSENT AGREEMENT—S. 2674

Mr. FRIST. Mr. President, I ask unanimous consent that at 9:45 a.m. on Wednesday, September 15, the Senate proceed to the consideration of Calender No. 674, S. 2674, the military construction appropriations bill; that the two managers' amendments at the desk be agreed to and no other amendments be in order. I further ask unanimous consent that there be 1 hour of debate equally divided and at the conclusion or yielding back of the time the bill, as amended, be read the third time and returned to the Senate Calendar.

I further ask unanimous consent that the Senate then proceed to Calender No. 690, H.R. 4837, the House-passed military construction bill; that all after the enacting clause be stricken and the text of S. 2674, as amended, be inserted in lieu thereof; that the bill be read the third time and the Senate proceed to a vote on H.R. 4837 at a time to be determined by the majority leader in consultation with the Democratic leader, all without intervening action or debate.

I further ask unanimous consent that upon passage of the bill, the Senate insist on its amendment, as amended, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

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

ORDER TO REQUEST RETURN OF PAPERS—S. 2261

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate request the House to return the papers with respect to S. 2261.

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

HONORING FORMER PRESIDENT WILLIAM JEFFERSON CLINTON

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. Res. 425 submitted earlier today by Senators DASCHLE, REID, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 425) honoring former President William Jefferson Clinton on the occasion of his 58th birthday.

There being no objection, the Senate proceeded to consider the resolution.

THE BIRTHDAY OF FORMER PRESIDENT CLINTON

Mr. HATCH. Mr. President, like many Americans, I was concerned to learn that former President Bill Clinton was suffering serious heart disease and had to be hospitalized for heart bypass surgery. Like many Americans, I was relieved to learn that his surgery had gone well, and that the former President is recuperating in his home in New York. The former President is known for his energy, and I hope that he will have a speedy recovery and will return to full health soon. I offer my best regards to him and his family, including our distinguished colleague, Senator CLINTON.

Inspired, no doubt, by this concern, our Democratic colleagues have joined in sponsoring a resolution to honor the former President on his 58th birthday. I wish to join them in wishing former President Clinton greetings on his 58th birthday, and I wish him many more.

Unfortunately, there is language in this resolution that is incorrect, at least because it is historically inaccurate, and at most because it seriously distorts the historical record and defames the memory of 200,000 victims of genocide in southeastern Europe.

There is a bizarre clause in this otherwise laudable attempt to give the President a legislative birthday card that states:

Whereas William Jefferson Clinton rallied the members of the North Atlantic Treaty Organization to put an end to ethnic cleansing in the Balkans and to depose the murderous regime of Slobodan Milosevic, actions which eventually led to the signing of the Dayton Peace Accords . . . .

I know that, in the hurried pace of work around here, particularly in this type of political season, a certain sloppiness can find its way into legislative language. But this statement, as I have said, is incorrect and offensive.

It is incorrect because, as anyone who knows the history will confirm—and I was here in the Senate throughout the bloody wars of southeast Europe in the 1990s—the removal of Slobodan Milosevic from power occurred in 2000, almost 5 years after the Dayton Peace Accords were signed in the autumn of 1995. That's why the statement is inaccurate.

The statement is offensive because almost 200,000 innocent civilians died as victims of ethnic cleansing from the outbreak of the wars of southeast Europe in 1992 until the United States finally acted in the late summer of 1995. The majority of those deaths, I must remind my colleagues, occurred during the first three years of the Clinton Presidency.

From the outbreak of the wars of Yugoslavia in 1992, I came to this floor advocating a policy of ''lift and strike'': lift the international arms embargo imposed on Yugoslavia and strike, with air power, the Yugoslavian army under the control of the mass murderers Slobodan Milosevic, Radovan Karadzic and Ratko Mladic. I was joined on the Senate floor by my colleagues JOE BIDEN, JOE LIEBERMAN and Bob Dole and many other Members of this body. The first Bush administration ignored us and left office shortly after the wars began. President Clinton, who ran on a campaign platform supporting ''lift and strike,'' reversed his position upon entering office and assumed a policy consistent, it appears, with current Democratic foreign policy thinking, that deferred to the international community.

We can recall the effectiveness of the United Nations in Bosnia, when we think of blue-helmeted U.N. forces remaining by the sidelines as Serb forces captured Srebrenica in the summer of 1995, and herded thousands of unarmed men and boys—boys—to their slaughter in mass graves.

That summer, a summer that began with Serb militaries surrounding the eastern enclaves of Bosnia and the Clinton administration refusing to lift the arms embargo preventing the Bosnians from defending themselves, while Bosnian Prime Minister Siladzic came to Washington and begged not to leave his people to die unarmed, the Dole-Lieberman-Hatch resolution lifting the arms embargo passed by 69 votes. This veto-proof measure, along with the photos of the horrors of Srebrenica on the front page of The Washington Post—one horrid photo showed a woman hanging herself in despair—caused the Clinton administration to relent.

When Bill Clinton acted, in late 1995, he saw that, when the United States leads, the international community will follow. When he acted again, in 1999, to stop Milosevic's campaign in Kosovo—a campaign we knew would happen when Milosevic was not removed from power in 1995—the international community followed. In both cases, I supported the President, as did a number of Republican Members in this body. He acted too late for hundreds of thousands, but he finally acted. It will be left to the historians, along with the members of that administration, to ponder and justify and explain why there was value in waiting while genocide raged across southeastern Europe.

A birthday gesture to a former President is not the place for this debate, and I certainly would not speak here were it not for this ill-conceived language that appears in this resolution. But legislation of any kind becomes a permanent record of the work of the United States Congress. This language, when stating historical fact, contributes to the interpretation of history. I am a proud member of the council of the Holocaust Museum and I am proud to support the mission of that revered institution, which could simply be stated that the truth of genocide should always be stated. To allow the clause I have just read from this otherwise harmless birthday resolution to become a statement of historical fact is a whitewash of history, something a democratic body should never do.

But worse, it is a calumny, a grave dishonor, on the memories of 200,000 civilians of southeastern Europe, people who died in a genocidal war in Europe less than 50 years after the Holocaust, civilian men and women and children who died while the international community failed, the U.N. failed and two administrations, including President Clinton's administration, for almost 3 years, waited for a power to act like only the United States can.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 425) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 425

Whereas former President William Jefferson Clinton was born in Hope, Arkansas, on August 19, 1946;

Whereas William Jefferson Clinton attended Georgetown University as an undergraduate and received a Rhodes Scholarship in 1968;

Whereas William Jefferson Clinton received a law degree from Yale University in 1973;

Whereas William Jefferson Clinton established a record of public service as Attorney General of Arkansas, Governor of Arkansas, and Chairman of the National Governors Association;

Whereas William Jefferson Clinton campaigned for and won the Democratic nomination for President in 1992;

Whereas William Jefferson Clinton was elected the 42d President of the United States in 1992 and was reelected for a second term in 1996;

Whereas during William Jefferson Clinton's time in office the United States experienced 8 years of economic expansion, job growth, and the transformation of a budget deficit into a budget surplus;

Whereas William Jefferson Clinton rallied the members of the North Atlantic Treaty Organization to put an end to ethnic cleansing in the Balkans and to depose the murderous regime of Slobodan Milosevic, actions which eventually led to the signing of the Dayton Peace Accords;

Whereas William Jefferson Clinton played a major role in the Good Friday Peace Accords which finally brought peace to war-torn Northern Ireland; and

Whereas, in the words of President George W. Bush, William Jefferson Clinton 'showed

a deep and far-ranging knowledge of public policy, a great compassion for people in need, and the forward-looking spirit the Americans like in a President': Now, therefore, be it

Resolved, That the Senate honors former President William Jefferson Clinton on the occasion of his 58th birthday on August 19, 2004, and extends best wishes to him and his family.

EXTENSION OF SMALL BUSINESS ADMINISTRATION PROGRAMS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5008, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5008) to provide an additional temporary extension of programs under the Small Business Act, and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. SNOWE. Mr. President, I rise today to address H.R. 5008, a bill to provide a temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and to enhance the operations of the Small Business Administration.

The bill before us would extend until September 30, 2004, SBA programs that have expired. In addition, it would provide clarification as to the SBA's method of reimbursing its Fiscal and Transfer Agent, which assists in the operation of the SBA's vital loan programs.

In July 2004 I introduced S. 2700, a bill that extended these same SBA programs and also provided this clarification regarding the Fiscal and Transfer Agent. The Senate unanimously approved S. 2700 on July 20, but unfortunately the other body failed to pass that bill, leaving many critical small business assistance programs unauthorized. Today, we have another opportunity to renew these programs and to provide this legislative improvement, and we should not miss the chance.

Since 1953, nearly 20 million small business owners have received direct or indirect help from one of the SBA's lending or technical assistance programs, making the agency one of the Government's most cost-effective instruments for economic development. The SBA's current loan portfolio of more than 175,000 loans, worth more than $45 billion, makes it the largest single supporter of small businesses in the country.

According to the SBA, the $65.5 billion awarded to small businesses in Federal prime and subcontracts in FY 2003 allowed small businesses to create or retain close to 500,000 jobs. Over the last five years the SBA's programs and services have helped create and retain over 6.2 million jobs.

The Senate agreed unanimously in September 2003 to pass a bill I introduced, the Small Business Administration 50th Anniversary Reauthorization Act of 2003, to authorize the entire SBA for a three-year period. However, we have been unable to reauthorize the SBA because the other body has been stalled in its consideration of SBA authorization legislation. According to the SBA, reauthorizing the agency will result in an estimated 3.3 million jobs created or retained over the next 5 years, with the SBA and its programs predicted to support over 1 million additional jobs over that same period through prime contracts and subcontracts.

In the absence of a full reauthorization of the Agency, which I am still working to bring about, it is vital that we extend those programs that can provide current assistance to small businesses. The bill before us, H.R. 5008, would renew the authorization for several SBA programs, including the Preferred Surety Bond Program. This program provides an essential service to small businesses by guaranteeing surety bonds for small business contracts, thereby permitting small businesses to undertake thousands of projects which would otherwise be out of reach.

H.R. 5008 would also specify the manner in which the SBA may compensate its Fiscal and Transfer Agent. This agent administers payments and fee collection in the SBA's loan programs and in the secondary market for those loans. This legislative change, requested by the administration in its budget submission to Congress for Fiscal Year 2005, would provide guidance as to the SBA's method of compensating its agent.

Additionally, this legislation will preserve the operations of existing Women's Business Center that currently serve women entrepreneurs in almost every State and territory. Today, more than 10.6 million women-owned small businesses are helping to fuel our economic recovery: they employ over 19 million Americans and contribute $2.46 trillion in revenues. In my home State of Maine, there are more than 63,000 women-owned firms, generating more than $9 billion in sales. Numbers like these speak for themselves, and are clear evidence of the success of the Women's Business Centers Program.

Moreover, according to research, between 2001 and 2003, women's business center clients reported starting over 6,600 new firms and creating more than 12,000 new jobs.

Mr. President, without this legislation, many of the Centers may be in jeopardy of closing their doors. This would be a significant loss, given that some of these Centers have proven to be powerful engines of economic development in communities across the Nation.

As we work toward the larger goal of a full reauthorization of the SBA, I urge my colleagues to support the enactment of H.R. 5008. This legislation would allow essential SBA programs to continue to assist small businesses during the remainder of this Fiscal Year.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, today I join Chair SNOWE in supporting legislation to keep the Small Business Administration and its financing and counseling assistance available to small businesses. This bill temporarily authorizes the SBA and most of its programs through September 30, 2004. In addition to the temporary extension, this bill includes a provision necessary to bring the administration into compliance with a January 2003 recommendation by the SBA's Inspector General. This change will save the SBA hundreds of thousands of dollars by allowing the agency's fiscal and transfer agent for the 7(a) loan program's secondary market program to keep the interest earned on fees lenders pay before they are remitted to the Government. Currently, the SBA does not have that authority. The committee wants the program to continue running smoothly and successfully, and we think this change should accomplish this.

Six SBA programs were halted after S. 2700, a similar bill sponsored by Senate Small Business and Entrepreneurship Committee Chair OLYMPIA SNOWE and myself, passed the Senate on July 20 but did not pass the House prior to the August recess. The six programs reinstated by H.R. 5008 are: the Women's Business Center Sustainability program, the Small Disadvantaged Business, SDB, program, the Preferred Surety Bond, PSB, Guarantee program, the Small Business Development Center, SBDC, Drug-Free Workplace Assistance Grants program, the Very Small Business Concerns program, and the SBA's co-sponsorship authority.

With passage of this bill, the committee expects the SBA to move forward on grants for all its programs and certification for minority businesses, and any other activities it has been delaying.

And while I am pleased that this bill will extend all of SBA's programs and pilot programs, I am disappointed that the dire and urgent needs of the women's business center program have yet to be fully addressed. Given the abysmal job creation record of this administration, we must aggressively seek and support innovative ways to create jobs, and the women's business center program has a proven track record of doing just that. Last year alone, the women's business center network helped over 100,000 female entrepreneurs grow their businesses, employ more people, and expand economic opportunity.

A study recently released by the National Women's Business Council shows that over the past 2 years, while funding for the women's business center program has remained essentially flat, the number of clients served increased by 91 percent and the number of new businesses started went up 376 percent.

The study also found that the businesses counseled by women's business centers had an economic impact of $500 million in gross receipts, $51.4 million in profit, and created 12,719 new jobs. With these numbers, it is clear that the women's business center program is a wise investment that will continue to pay dividends to women in business, the Government and our national economy well into the future.

As many of my colleagues know, there are currently 87 women's business centers. Of these, 35 are in the initial grant program and 53 have graduated to the sustainability part of the program. These sustainability centers make up more than half of the total women's business centers, but under the current funding formula are only allotted 30 percent of the funds. Without changing the portion reserved for sustainability centers to 48 percent, as the Senate-passed Snowe-Kerry bill, S. 2267, directs, all grants to sustainability centers could be cut in half, or worse, more than 20 experienced centers could lose funding completely.

I believe it is very important to pass H.R. 5008 and extend the pilot so that our most experienced centers can continue their good work for women-owned businesses; however, the current funding formula for the Women's Business Center still needs to be updated. As the author of the bill to establish the sustainability program, I am hopeful that my colleagues in Congress will soon come together to fix this problem and secure the women's business center network once and for all.

I thank my colleagues for their support of small businesses and for considering immediate passage of this important small business bill.●

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5008) was passed.

ORDERS FOR WEDNESDAY, SEPTEMBER 15, 2004

Mr. FRIST. Mr. President, I ask unanimous consent when the Senate completes its business today, it adjourn until 9:45 a.m. on Wednesday, September 15. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to the consideration of the military construction appropriations bill as under the order.

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

PROGRAM

Mr. FRIST. Mr. President, it is a little after 11:15 tonight. We have had a very long day, a long evening, but a very productive day and evening in that we have completed the homeland appropriations bill with a unanimous vote of 93 to 0. I thank all Members for their patience and for their willingness to continue late into the night to wrap up our work on the bill.

We will resume business tomorrow morning and consider another appropriations measure. I will update all Members tomorrow as to what to expect over the course of the next couple of days. Again, I congratulate our colleagues, THAD COCHRAN, and the ranking member for all of their hard work on the homeland bill.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:18 p.m., adjourned until Wednesday, September 15, 2004, at 9:45 a.m.