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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

PRAYER

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

Let us pray.

Our God and Father, in whom we find life everlasting, we praise You as the one and only God who brings order out of chaos. In our tumultuous world, You alone are changeless.

Guide our Senators today. Work within them that they may choose to make You the fixed star of their hope. Empower them with unwavering faith to manage the unfolding challenges of our times. Forgive them for duties unattended, obligations unmet, and responsibilities ignored. Impart to them discernment to do their best and to find their highest joy in pleasing You.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON 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, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ISAKSON 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, this morning, following a brief period of morning business, we will resume consideration of the port security bill, with an hour of debate equally divided, followed by a vote on the motion to invoke cloture on the bill. That cloture vote should occur at approximately 11 this morning, and that will be the first vote of today's session. I anticipate that cloture will be invoked, and I encourage all Senators to vote in favor of cloture. The bill managers have been diligently working through the amendments and working through the bill. If we invoke cloture, we expect to complete the bill at a reasonable time today. I encourage all of our colleagues to help the managers so we can finish that bill sometime in the late afternoon today. It means not doing our usual thing of trying to talk and spend a lot of time and then voting later into the night. We really do want to finish this late this afternoon. Senators are reminded that rollcall votes are likely throughout the day and that the filing deadline for second-degree amendments is 10 a.m. this morning.

SAFETY AND SECURITY OF THE AMERICAN PEOPLE

Mr. FRIST. Mr. President, for this month's session of 4 weeks on the floor of the Senate prior to our recess for the elections, we have focused and will continue to focus on the safety and security of the American people.

There are a lot of issues that need to be dealt with that we are dealing with in committees and in conference, but the focus on the floor very much is the safety and security of families listening right now, and to our colleagues and their families. We know, having seen what had come close to happening with the events in Great Britain in terms of the terrorist attacks and the plot there that was foiled, we are at risk in this country. Therefore, it is our obligation to address these issues and to do it in a way where we know we are equipped to both obtain information that can undercut these plots and foil the terrorists in whatever activity they are dreaming up.

In addition, we have a challenge that is being addressed in committee today, was addressed in committee in the House yesterday, in terms of the terrorist tribunals and military commissions. It needs to be understood by my colleagues and the American people that the detainees we have today—the enemy combatants, people who have wished us harm, people who planned the 9/11 attack—until we act in Congress, in this Senate, they simply cannot be tried. They cannot be brought to justice. That is where we are today. That is why there is so much appropriate focus on making sure our Government, our military personnel, our intelligence officers have the tools they need to keep us safe.

So those two issues, the surveillance issue and the military commissions and tribunals, are issues we are addressing, again, in committee. The President has placed a bill before this body. I introduced it about a week and a half ago. That language is available, and I encourage my colleagues to study that.

Mr. President, that brings me to the issues of security that I mentioned in terms of surveillance, the detainees

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

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who are at Guantánamo Bay. Senator MCCONNELL and Senator SPECTER and I actually visited that naval base last week and learned a lot.

We have border security we are addressing in the Department of Defense appropriations bill that we passed a week and a half ago that is in conference and in our Homeland Security appropriations bill, both of which aggressively address border security. So we have border security. We have port security. We have the military commissions that are being addressed for those individuals at Guantánamo Bay. We have support for our troops in terms of maintaining our security through the Department of Defense appropriations bill that is currently in conference. And then we have the whole issue of surveillance.

Today we are going to finish on port security. We all know—and we are reminded by the events surrounding our reminiscences of 9/11 with that fifth anniversary—we are fighting a war against radical ideologues. These are militant extremists, and they have a single-minded goal of destroying our Nation. Increasingly, people are realizing that, but it is taking these reminiscences and the remembering of the great tragedy of 9/11, coupled with the reality of what very well could have happened to hundreds and, indeed, thousands of Americans if that plot had not been uncovered by the British.

We know the terrorists are not going to stop. And it is not just a war in one part of the world, it is a war against an ideology. They are not going to stop at anything. The enemy is creative. I mentioned the attacks that could have emerged out of the plot which was uncovered by the British. Who would have ever deemed imaginable a day when business travelers could not be carrying contact lens solution in their carry-on. It is because of an attempt with a ''Gatorade'' bomb.

The terrorists are always thinking. They are always thinking of how they can stay one step ahead of even what our imagination is. They are searching for our weak points. They are seeking ways to exploit our weak points. That is why we have to remain vigilant, and that is why we have to address these issues on the floor. The substance of the bill that is on the floor does just that, the port security bill. That is vigilance.

Nowhere is it clearer to me that we have to be vigilant than at America's 300 maritime ports of entry. We talk about border security. Well, part of border security is port security. It is a border we have to close and appropriately monitor to prevent the terrorists from doing us harm.

These ports are economic centers. As economic centers, our more than 300 sea and river ports are targets in and of themselves. For people who want to hurt us, want to hurt our economy, they can become a target. These ports become even more attractive when they are close to urban centers. These ports facilitate the rapid dissemination of cargo from around the globe to each of our cities and towns. Thus, we know the terrorists, when they want to hurt us, would potentially address these ports.

We have done a lot to secure our ports, but the fact remains, they are too porous. That brings us back to the importance of this bill. The bill before us plugs the holes that exist. It toughens security standards for all cargo. And it strengthens and improves programs designed to screen cargo at foreign ports and secures the international supply chain from the very start to the very end.

Technologies have advanced. We have developed more accurate detection tools. But we are not using those tools throughout our system. We are not using them universally. Terrorists have access to stealthier weapons, and that is a huge vulnerability just asking to be exploited if we do not keep up, if we do not keep pace. That is why we must pass this bill tonight.

The bill establishes a risk-based grant program to help assist ports with training personnel and implementing new security standards. The men and women who operate our ports are our first line of defense. We have entrusted these stewards of security with a serious, with a grave responsibility.

Accordingly, the bill ensures that the Department of Homeland Security will move forward with background checks for all port workers so we know who is on the ground at these critical facilities. It sets up procedures for resuming port operations and trade safely and quickly after a terrorist attack to help minimize any effect or any shock to our economy. It establishes the appropriate protocols to ensure that if a terrorist does strike, our ports are not closed longer than necessary.

And importantly, we also need protocols in place so we do not reopen ports too early. An incident at a port could be a red herring, a distraction to disguise other, more damaging terrorist activities.

These are just a few of the highlights of the Port Security Improvement Act. At its core, it is a multipronged approach to plugging the holes that exist in port security. It institutionalizes multiple and redundant security layers. From the factory of origin to cargo container, from cargo container to port warehouse, from port warehouse to cargo ship, from cargo ship to the port of calling, and from the port of calling to the final destination, at each step this bill toughens our standards. We are making it harder for a terrorist's dirty bomb to hide anonymously in a cargo container. We are making it harder for terrorists to tamper with cargo containers. We are making it harder for terrorists to use our ports as target practice. And we are making it harder for terrorists to use our ports to stealthily gain access to the rest of our homeland.

The terrorists we face have a radical agenda. They are ever-vigilant in monitoring and assessing our weaknesses and always looking for new ways to harm us. We must be ever-vigilant in identifying our weaknesses and minimizing and eradicating them. That is what this Port Security Improvement Act does. It is my hope my colleagues will join me in supporting it and in passing this important piece of legislation this afternoon.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

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

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

REPUBLICANS ARE COMMITTED TO MAKING AMERICA SAFER

Mr. DEMINT. Mr. President, I said yesterday I am thankful to be part of the Republican majority that understands that September 11, 2001, changed the way that we must look at the world. Republicans are committed to taking action and not just talking about making America safer.

We must track, capture, and eliminate our terrorist enemies before they attack us. We must provide the President and our military with every legal tool available to fight this war against Islamic extremists, and we must secure our homeland by securing our borders and ports.

Unfortunately, the Democratic Party does not seem to understand the true threat that we face with Islamic extremists. Instead, Senate Democrats continue to prove that they are dangerously naive about the grave danger of global terrorism.

Radical Islamic jihadists have made no secret of their goal, which is the complete subjugation of the world to their extreme form of Islamic nationalism.

Osama bin Laden said the attacks of 9/11 were ''an unparalleled and magnificent feat of valor'' and ''a great step toward the unity of Muslims.''

According to the al-Qaida charter:

There will be continuing enmity until everybody believes in Allah. We will not meet [the enemy] halfway, and there will be no room for dialog with them.

The Iranian President has called for a world ''without the United States and Zionism,'' saying that the West's ''doomed destiny will be annihilation, misfortune, and abjectness,'' and telling other nations that in order to have good relations with Iran, they must ''bow down before the greatness of the Iranian nation and surrender.''

Horrendous attacks in India, Madrid, London, as well as recent arrests in Canada, Miami, and the foiled London airplane plot have shown that terrorists and their state sponsors have the determination to back up their rhetoric with action.

President Bush and my Republican colleagues have proved that we understand the nature of the enemy we are facing and that we must be just as determined as they are.

Let's be clear. Republicans are not the ones fighting to preserve the status quo. Preserving the status quo is what we did for 8 long years under the Clinton administration—simply responding with a law enforcement mindset while Islamic extremists attacked us and built and financed their worldwide network of terror.

Now Democrats would have us return to the Clinton status quo—a pre-September 11, head-in-the-sand philosophy of ''don't listen, don't track, don't challenge.''

Republicans understand the world changed on September 11 and that we are fighting a dynamic and committed enemy. As we have responded to terrorists, they have adjusted their tactics, and we are continually evaluating and adapting our strategy to meet this evolving threat.

If we don't show the resolve to defeat radical Islamic terrorists in Afghanistan, Iraq, and Lebanon, we will never defeat them anywhere. No one understands the stakes better than the terrorists. That is why there is no in-between choice in Iraq. Either we cut and run and allow it to become a safe haven for terrorism and staging grounds for future attacks or we stay until victory over the terrorists is achieved and Iraq is a stable partner in democracy.

Republicans have proved that we will do what it takes to secure our homeland from all enemies. We are committed to completing our current mission in Iraq and Afghanistan with victory and honor and to create a new generation of freedom and security, of peace and prosperity, for America and the world.

The unfortunate truth is that when it comes to securing America's homeland, the Democrats are dangerously naive. They think if we pull out of Iraq, the terrorists will leave us alone. They have abandoned those in their own party who dare to disagree with the most radical liberals of the far left. Democrats, with the help of their misguided allies, such as media outlets like the New York Times, have signaled to the terrorists that America is tired, discouraged, and ready to quit, encouraging the terrorists to expand their attacks around the world.

Not content to simply heckle from the sidelines, Democrats have actively fought to block the tools that are critical to stopping future attacks. In fact, Senate Democrats united this week in opposition to the terrorist surveillance program, proposing an amendment to the port security bill that denounces this program that has saved American lives.

Just last Thursday, Democrats showed their continued tendency to flip-flop when they issued a media statement outlining their latest security agenda, pledging to ''work to . . . ensure our intelligence agencies have the tools they need to defeat the terrorists.'' Then, 1 short hour later, they again played procedural games to block the Judiciary Committee from further consideration of the National Security Surveillance Act of 2006.

The Senator from Texas, Mr. CORNYN, got it right when he said:

It's little wonder that Democrats have a credibility gap with the American people on the issue of national security. Saying one thing [and then] doing another . . . doesn't help our efforts to win this war.

This week, Senate Democrats continued to prove they are willing to put politics ahead of the security and safety of American families by trying to kill the port security bill with partisan amendments.

The Senator from New York, Mr. SCHUMER, openly admitted the Democratic strategy of playing politics with national security. Yesterday, Congress Daily reported Senator SCHUMER ''conceded Democrats were seeking to score political points'' and quoted my Democratic colleague saying: ''This is politics at its very best.''

I believe the American people have a different view of the partisan games the Senate Democrats are playing. I think they believe that this is politics at its very worst.

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

Democrats claim to be the ones listening to the American people, but, unfortunately, they are just posturing to win an election. Mr. President, I invite my Democratic colleagues to stop these political games and to join us in helping to win this war on terror and securing America's homeland.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

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

The ACTING PRESIDENT pro tempore. There is 4 minutes 25 seconds remaining.

Mr. ENSIGN. I ask unanimous consent for an additional 5 minutes on each side for morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Ms. LANDRIEU. Mr. President, I didn't hear the request.

The ACTING PRESIDENT pro tempore. The Senator has asked unanimous consent that each side have 5 additional minutes for morning business.

Ms. LANDRIEU. I have no objection.

AMERICA'S STATUS IN FIGHTING TERRORISM

Mr. ENSIGN. Mr. President, I rise this morning to talk about our status in this fight against Islamic extremism around the world.

When the terrorists struck the World Trade Center on September 11, 2001, America was forced to realize that we were at war. We did not ask for this war. This conflict was brought to us by individuals who believe that America is evil. This is an enemy that hates us because we are a free nation, and our citizens are free to pursue their dreams and chart their own destiny.

The day the World Trade Center towers fell, our world—or at least our comprehension of it—changed forever. Our enemy stepped onto our soil, destroyed our buildings, killed more than 3,000 of our citizens, and made clear their intentions. They want nothing less than to cause our demise.

The world has changed much since that horrific day. Unfortunately, the will to fight extremists who planned and executed September 11, and many other attacks around the globe, has wavered since then. The united resolve of many nations has softened dramatically.

As Americans, we have no choice but to lead the way with an unwavering commitment to this fight. Remember, they asked for this fight. They, long ago, declared war on America and the free world and long before September 11 began attacking and killing our citizens.

They challenged us many times over the years and received little more than empty rhetoric and a slap on the wrist for such atrocities as striking the USS Cole, the first World Trade Center bombings, destruction of the Khobar Towers in Saudi Arabia and the Marine barracks in Lebanon; and, of course, they attacked our Embassies in Africa.

We were at war, but we didn't even know it. For too long we ignored the words of these terrorists. We attributed their declarations of hate as mere rantings of lunatics.

Time has shown us that the words of these Islamic extremists must be taken seriously, and we must continue to act decisively to stop them from achieving their aims.

In an effort to steal our collective resolve, it is important to remind ourselves just who the enemy really is in this global war against Islamic fascism. For too long America has seen our enemies through a prism that casts them in the mold of conventional powers, but the Islamic fascists are a different breed. They fight for no flag, nor

do they adhere to any international agreement. They fight outside the box; whereas, our sense of what is right and wrong constrains us to adhere to recognized rules of engagement.

We all know the self-professed leader of al-Qaida is Osama bin Laden. His call to arms for his disciples is: Death is better than living on this Earth with the unbelievers amongst us.

We know Iraq is central to the war on terror because Osama bin Laden said it is. He said:

> The most serious issue today for the whole world is this third world war that is raging in Iraq.

Zawahiri, Osama bin Laden's deputy, described Iraq as ''the place for the greatest battle of Islam in this era.''

Remember the blind sheikh? He was responsible for the 1993 World Trade Center bombing. From his prison cell, he has called on Muslims everywhere to ''tear them apart, ruin their economy, instigate against their corporations, destroy their embassies, attack their interests, sink their ships, and shoot down their airplanes; kill them on land, at sea, in the air; kill them wherever you find them.''

Those were their words, Mr. President. We are at war with an enemy that wants to see America wiped off the map. This is an enemy bent on destruction and Islamic domination—or at least their vision of Islam. Their goal is to establish a violent political utopia across the Middle East—which they call a caliphate—where all would be ruled according to their hateful ideology.

Osama bin Laden has called the 9/11 attacks, in his words, ''a great step toward the unity of Muslims and establishing the righteous caliphate.'' There are reports that some of Osama bin Laden's supporters believe that he is the Mahdi, the 12th Imam. The Mahdi will lead believers in Islam to victory over the infidels, ushering in an era of peace and justice.

Even Iran's President is on record as instructing America, in his words:

> If you would like to have good relations with the Iranian nation in the future, bow down before the greatness of the Iranian nation and surrender. If you don't accept to do this, the Iranian nation will force you to surrender and bow down.

Those are the Iranian President's own words. It is not farfetched to believe that with nuclear weapons in his possession, he would use them to usher in this cataclysmic confrontation that he seeks. We must take these threats seriously and act accordingly.

Remember, the terrorists are traitors to their own faith trying, in effect, to hijack Islam itself. The enemy of America is not our many Muslim friends; it is not our many Arab friends. Our enemy is a radical network of terrorists and every government that supports them.

The terrorists' directive commands them to kill Christians and Jews, to kill all Americans, and make no distinction among military leaders, ordinary troops, and civilians, including women and children. They want to overthrow existing governments in many Muslim countries such as Egypt, Saudi Arabia, and Jordan. They want to drive Israel out of the Middle East. They want to drive Christians and Jews out of vast regions of Asia and Africa. These terrorists kill not merely to end lives but to disrupt and end a way of life. With every atrocity, they hope that America grows fearful, retreating from the world and forsaking our friends. They stand against us because we stand in their way.

We cannot be deceived by their pretenses to piety. We have seen their kind before. They are the heirs of all the murderous ideologies of the 20th century.

By sacrificing human life to serve their radical visions, by abandoning every value except power, they follow the path of fascism and Nazism and totalitarianism. They will follow that path all the way to where it ends: In history's unmarked graves of discarded lies.

This is not, however, just America's fight. And what is at stake is not just America's freedom. This is the world's fight. This is civilization's fight. This is the fight for all who believe in progress and pluralism, tolerance, and freedom.

The war we fight today is more than a military conflict; it is the decisive ideological struggle of the 21st century. Make no mistake: this is an enemy we cannot appease; this is an enemy we must defeat.

On September 11, 2001, and the days immediately following, this country stood united. We stood ready to protect all Americans. We must continue to show a united front against this enemy. We must understand that what we say has great consequences. If our enemy sees the country divided, it will also see an opportunity and a path to victory.

During our Civil War, General Lee often read northern papers to gauge the mood of the population in the North. As he saw the political discourse and the division among northern leaders prior to Gettysburg, he believed that it would take only one more victory to win the war. Lucky for us, the victory never came, but we can learn from Lee's lesson.

Mr. President, I ask unanimous consent for 30 more seconds.

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

Mr. ENSIGN. Mr. President, al-Qaida reads our newspapers and watches our television stations. They see the lack of resolve in some of our leaders and they seek to exploit it. This is the time to lead, a time to unite, and a time to defeat an enemy that wants to bring an end to freedom around the world. We must lay down our party labels as Republicans, Democrats, or Independents and become Americans. We must not tire. We must not falter. We cannot fail.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

OSAMA BIN LADEN STILL LOOSE

Ms. LANDRIEU. Mr. President, I came to the floor to speak briefly about one of our outstanding superintendents in Louisiana and to pay tribute to an accomplishment that has been made on education. But in light of the rantings that went on for the last 30 minutes in the Chamber from my two colleagues on the other side, I would like to state for the RECORD that America is not tired of fighting terrorism. America is tired of the wrong-headed and bone-headed leadership of the Republican Party that has sent $6.5 billion a month to Iraq, when the front line was Afghanistan and Saudi Arabia. America is tired of leadership which led this country to attack Saddam Hussein when we were attacked by Osama bin Laden, and which captured a man who did not attack the country and left loose a man who did.

Americans are tired of bone-headed Republican leadership that alienates our allies when we need them the most. And Americans are most certainly tired of leadership that, despite documented mistake after mistake after mistake after mistake after mistake—and even their own party admitting mistakes—never admits that they do anything wrong. That is the kind of leadership Americans are tired of.

I didn't come to the Senate to have partisan rantings on the floor, but I most certainly am not going to sit here as a Democrat and let the Republican leadership come to the floor and talk about how Democrats are not making us safe. They are the ones who are in charge, and Osama bin Laden is still loose.

RECOGNIZING LOUISIANA'S MADISON PARISH SCHOOL DISTRICT

Ms. LANDRIEU. Mr. President, now I will speak about what I came to the floor to speak about. We have had a very difficult time in Louisiana and Mississippi and the gulf coast this year, in part because our resources are short because our country is involved in so many other things, and I can appreciate and understand the dilemmas. But we still have a great effort underway to rebuild Louisiana, Mississippi, and the gulf coast. So we have been moving steadily ahead in fits and starts because, of course, this was an unprecedented disaster. And while it really wasn't a natural disaster for Louisiana, it was a manmade disaster because our city went under water and the region, counties in Mississippi and parishes in Louisiana—for instance, one of our parishes, not New Orleans which we have heard a lot about, but St. Bernard Parish which sits right outside of New Orleans, 75,000 people live there, and every home was destroyed and every church was ruined

and every business was destroyed. They were ruined not just because of the storms and the hurricanes which come and there is nothing much we can do to stop them, but because the levees broke which the Federal Government is supposed to maintain, and because of spending money in other places and not protecting people in their homes.

So as my colleagues know, we had water 15 feet high that stood for up to 6 to 8 and sometimes 10 weeks in some places. Our communities have been struggling with how we might better approach the recovery should something—and I see my colleague from Seattle, WA—should a tsunami hit Seattle, which is a major, very important American city, or should a category 5 storm hit Long Island like it did in 1938 when only a few hundred thousand people lived there but now millions of people do. We need to do a better job of responding. So Congress has been involved in that for this last year, and I predict will be involved in it for many years to come until we get it right.

But one of the things that we did get right is that the northern parishes of Louisiana came to the aid of those from the southern parishes, and one of those parishes that I am here to speak briefly about is Madison Parish. It is a small parish up in the northeastern part of our State, and it is a poor parish. It has great natural resources and very vibrant and vital agricultural land, but it is quite poor, generally. It is a district with only 3,000 students in school. But as the people fled from south Louisiana and south Mississippi and southeastern Texas to flee from the rising water of the storms, many of them found their way to Madison Parish.

Madison Parish superintendent Michael Johnson led this effort to absorb several hundred students into a very small school system that was already overburdened. The storm didn't, of course, hit Madison Parish directly but, of course, indirectly they were impacted by some high winds that made it up to north Louisiana, and were mostly impacted by students and families who ran there for shelter. There were many shelters put up. Superintendent Johnson, as many superintendents in north Louisiana, reached out their hands and, without a lot of help, without any textbooks, without a lot of information about how this was supposed to happen, took the children in. Not only did children find a safe place in Madison Parish school systems to attend school because their schools in south Louisiana were ruined, but with all of this, Madison Parish was one of the parishes that improved their test scores substantially on the last LEAP test given in Louisiana. Not only did their scores improve, but students and educators in Madison Parish at the same time were welcoming evacuated children with open arms.

Madison Parish is not the only parish that saw a substantial rise in test scores this year. Beauregard Parish has also done well. We are very proud of all of our school systems that did better in a very difficult year, but most certainly we are proud of those small, poor, rural school systems that, with good leadership, are making substantial progress.

We don't talk enough about education on the floor of the Senate, in my view, and we don't often at all talk about the small areas of our country that are making extraordinary progress in less populated areas. We talk a lot about New York and Chicago and Los Angeles, but we don't always get to hear about small places that are not even recognizable sometimes to many people on the map. But since I visited Madison Parish recently and had a great tour of north Louisiana, I thought I would take a minute to come and praise publicly this particular superintendent and to call attention to many of our superintendents who, despite the fact that we keep cutting their Federal funding, are managing to meet these high standards and to lift their children up and to make their school system and others better for the future of our States and our region.

Superintendent Johnson has been the impetuous for Madison Parish's recent success. Interestingly, Superintendent Johnson was working as superintendent of schools for New York City's District 29 when terrorists attacked the World Trade Center on September 11, 2001. Superintendent Johnson took over in August before Hurricanes Katrina and Rita hit and proceeded with the same positive energy he embodied in New York. The Madison Parish School District now has improved their LEAP test scores by reducing the percentage of students scoring Unsatisfactory and increased the percentage of students scoring Basic and above. They have also reduced suspensions at the elementary and middle school levels.

Not only have their scores improved, but the students and educators of Madison Parish have welcomed the evacuated children with open arms. Under Superintendent Johnson's leadership, they used their resources to provide the children lunch, buy clothes, books and other necessary items. They provided increased after school programs so these students would spend less time in shelters and have some sense of normalcy. The students and staff helped the displaced children and teachers begin to replace their personal possessions and helped them work through their feelings in the crisis. This was something that Superintendent Johnson understood very well from his experiences in New York and added to his success in caring for the children taken in after Hurricanes Katrina and Rita by Madison Parish.

As students come back into southern Louisiana and begin the new school year, I would like to recognize how beautifully our students were welcomed into schools systems like Madison Parish. Superintendent Johnson and his community are an example of the best in our society—the generosity and compassion that is found in the hearts of our people. I also want all of us to look to the Madison Parish School System and to Superintendent Michael Johnson as an example of how a low performing school can, not only turn their scores around, but offer help to those students who are less fortunate.

Thank you to all students, teachers, principals and superintendents who have taken that extra step and worked harder, improved their test scores and opened their arms and hearts to those who were affected by the storms. We should all live by this example. In closing, I would like to express my gratitude to the Madison Parish schools system and to Superintendent Michael Johnson for taking education seriously and improving their test scores while providing a safe, healthy learning environment for all children.

Mr. President, I yield the floor.

REMEMBERING ANN RICHARDS

Mrs. MURRAY. Mr. President, I rise this morning on a very sad note for all of us who knew a very special, wonderful woman by the name of Governor Ann Richards. Last night she left this world, but she left behind a tremendous spirit that many of us will carry on. She was the kind of woman who could walk into a room and light it up, no matter where she was. She was a Governor of Texas, and I know that State knew and loved her well, but the rest of the country also loved her.

I was privileged to know this wonderful, compassionate human being. She made me laugh, she made me think, and she made me remember what I cared most about in this country. Her loss is a tragic one certainly for the State of Texas, certainly for the country, but absolutely for every one of us who knew her.

I know many people will be speaking throughout the next several days about the loss of Governor Richards, but I just wanted, on behalf of so many of us who cared for her so much, to express our condolences to all of her family, to her friends, to everyone who knew her, and to let them know that we will not forget and we will continue to carry her message of hope and passion as we continue in our lives.

Mr. President, I yield the floor.

Ms. LANDRIEU. Mr. President, how much time do the Democrats have remaining?

The ACTING PRESIDENT pro tempore. There is 10 minutes remaining.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for 4 minutes of that time, if I could.

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

Ms. LANDRIEU. Mr. President, I would like to take a few minutes to add to Senator MURRAY's heartfelt and beautiful tribute to Governor Ann

Richards. Many of us woke up this morning to read the newspaper and were stunned by the news that Governor Richards had passed away.

Many of us, of course, knew of her illness and that she struggled with it and fought it bravely, but I am not sure how many understood how close she was to death's door.

As a neighbor of hers who grew up right over the border from Texas, and as a young woman in the legislature, Ann Richards was at the top of the list of women I looked to early in my career. I did not have too many women to look to because there were just not that many women in public office in this country in 1976, the year when Governor Richards started her political career as Travis County Commissioner. There were 604 women in state legislatures nationwide. Not only was she an outstanding leader but she was an extraordinary administrator. I remember her days as State treasurer of Texas and followed many of her guidelines to leadership in trying to manage the budget of Texas. I followed that lead in trying to manage the budget of Louisiana. She showed that women could not only hold county commissioner seats, but high-level executive offices, managing finances and money. She become Governor of one of the largest States in America and served with extraordinary ability.

But more than just her service to the public at large, which was tremendous to the State of Texas and the country, Ann Richards encouraged women to think of things that had never been thought of before that women could to serve in corporate board rooms and as Governors and, hopefully, one day as President of the United States. And today, thanks to women like her, 1,686 women serve in state legislatures across the country. Without women such as Ann Richards, those dreams would never materialize or would be decades away.

There was a quote in the paper that I chuckled at because Governor Richards said once she didn't want to be remembered for keeping a clean house. She thought that women should be remembered for things greater than just how well they could vacuum how well they could cook or how well they could do things associated with the home.

While I do not in any way diminish the contribution that we make as wives and as mothers or diminish any of the things that we do inside of our homes that keep our families happy and keep our society going, I want to say emphatically that I agree with her. I hope women who are born and grow up today really think about what they want their tombstone to say.

Ann was always that kind of woman. She was born not only to be all a woman could be, but all a person could be, all a leader could be. Very few women in the generations that I am familiar with have accomplished that as well as she did. It is with great sadness that we recognize her passing, and I am sure there will be a more formal recognition in the Senate Chamber among men and women remembering the contributions this extraordinary American made to our country, to the world, to women and girls everywhere.

I yield the floor.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

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

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4954, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

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

Murray (for Stabenow) amendment No. 4967 to authorize grants for interoperable communications.

Nelson (NE) modified amendment No. 4945 to provide emergency agricultural disaster assistance.

DeMint amendment No. 4970 to prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes.

Clinton/Dole amendment No. 4957 to facilitate nationwide availability of 2–1–1 telephone service for information on and referral to human services, including volunteer opportunities related to human services.

Clinton amendment No. 4943 to fund additional research to improve the detection of explosive materials at airport security checkpoints.

Clinton/Schumer amendment No. 4958 to establish a grant program for individuals still suffering health effects as a result of the September 11, 2001, attacks in New York City.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate equally divided in the usual form.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 10 minutes.

Mr. CARPER. I thank my colleagues for yielding.

Mr. President, earlier this week we all commemorated the fifth anniversary of 9/11. Much of that day was spent here and around the country discussing whether after 5 years we are safer and whether we are safe enough. While we have made real progress with respect to the security of our nuclear powerplants, with respect to airport security, far too little has been done to secure our Nation's seaports, railways, transit systems and, I might add, hundreds of chemical plants around this country.

After 9/11 we also recognized the need to protect our seaports. In 2002 we passed the Maritime Transportation Security Act, which was the start of developing a national and regional maritime security plan or plans. This legislation also required the Department of Homeland Security to help ports develop individual security plans and directed Customs and Border Protection to design a system for receiving information on ships' cargoes before they docked at a U.S. port.

Now, 4 years later, we are finally taking the next step. Still, port security has never received the same level of attention as airport security, and part of this is because 9/11 tragically exposed the vulnerabilities of our ports and it has been burned into our memories. I think it is also because most Americans do not have any direct interaction with a seaport on a daily basis, a weekly basis, a monthly basis or, in some cases, ever. However, a growing number of Americans have begun to recognize what an appealing target our seaports can be for terrorists.

First of all, many ports, including the ones we have in my State and the States of New Hampshire, Maine, and Washington, are located in or near densely populated urban areas. Also, ports are vital to the economy of our country. They are used by farmers to try to get their products to market and also industry to export products, but also we import everything from chemicals to oil and gas. As a result, many of us have concluded we must place a higher priority on addressing any vulnerability at our ports before any terrorist attack takes advantage of them. I applaud the work of Senator COLLINS and the great work Senator LIEBERMAN has done with her helping to craft this, and also the staffs and Senator MURRAY and her staff.

The American Association of Port Authorities believes that to do so will require roughly $400 million a year for physical enhancements for ports in this country. The bill before us would authorize Congress to do just that.

Now, $400 million is a lot of money, but it is significantly cheaper, I think we will agree, than responding to a devastating attack after the fact. My port, the Port of Wilmington, has received about $2 million since 9/11. The State has provided a fair amount of money, as has our port authority. These funds have been used, in part, to

help build a gated entrance with cameras, with security checks, and to fence and light the port's perimeter.

While we are grateful to receive Federal support for these important security measures, our port, like many others, will require additional assistance. Some of that we should provide ourselves within our State. For some of that we look to the Federal Government for help. Obviously there is not enough funding for everyone to get everything they need. However, ports in Oklahoma, ports in Kansas, ports in Tennessee and Kentucky have all received port security grants over the years, as have ports along the eastern and western gulf coast. At the same time, the Port of Wilmington—I am told it is the busiest port on the Delaware River and the port of entry for much of our Nation's food supply, especially for the east coast—has been forced to make do with less. Therefore, I am pleased this bill requires the Department of Homeland Security to conduct a risk analysis of our Nation's seaports and establish a priority for security funding.

The Port of Wilmington also participated in something called a Transportation Security Administration pilot program, a program designed to screen port workers and block individuals with a terrorist connection from accessing sensitive areas at our ports. This pilot program was supposed to be the first step toward establishing a national program, with identification cards and equipment that could read biometric information, such as fingerprints and retinal patterns. But the Department of Homeland Security ended this pilot program before the national screening and identification system was ready. The national system was supposed to be implemented by last summer, but it has yet to occur. The implementation date, I am sorry to say, continues to slip. Now we are being told the ports will receive official identification cards by the end of this year, but the essential card readers will not be ready until sometime next year. That doesn't make a lot of sense.

This program is moving forward far too slowly, and that is why I offered an amendment, when the Homeland Security and Governmental Affairs Committee debated port security, to require the Department of Homeland Security to issue its regulations on the worker screening program not next year but by the end of this year. The bill before us today takes a slightly different approach but still addresses the need to get this important program up and running as soon as possible. Under the Port Security Improvement Act, this bill, the Department of Homeland Security would be required to fully implement the worker credentialing program at 10 ports by next summer and at all ports by January 1, 2009.

Let me conclude by saying that this week we have also passed rail and transit security amendments, something that is long overdue. I strongly support them. After the train bombing in Madrid 2 years ago and the London Underground attacks last summer, many of us hoped we would take steps to prevent a similar kind of attack here. But to date, the Federal Government has done far too little to address transit and rail security needs in this country. In fact, rail and transit security received less than 3 percent of the funding that has been dedicated thus far to airport security.

I want to be honest with you. Protecting our rail and transit lines will not be an easy task. Almost 10 billion transit trips were taken in 2004, and transit accommodates more than 16 times the number of daily travelers than do our Nation's airlines—16 times. There are more and more people using rail transit every day so they can avoid traffic and high gasoline prices. Also, it is much more difficult to protect an open system such as the ones at bus stops and train stations than it is to guard the closed systems we have at airports. You cannot physically check every bag that is brought onto a commuter train or ID every person who boards a bus, nor do I believe we ought to. The rail transit systems can only work if they are fluid. I believe long lines of people taking off their shoes to get on a train or bus would render them largely unworkable.

As much as anything, though, what we need to do in order to reduce the likelihood of a debilitating attack on our transit and rail systems is to improve surveillance, more security officers, use of canines, and heavy reliance on the use of new technologies. This requires strong leadership, vision, and enthusiasm for attacking the unique challenges of securing rail and transit.

It also requires effective partnerships. The Federal Government needs to be one of those principal partners. So far, the Department of Homeland Security has only shown a strong appetite for preventing the sort of attack that led to its creation. The White House proposes lumping together all nonaviation security into one competitive grant program, with less than 15 percent of the funding proposed for aircraft security. That is less than 15 percent for all of them—transit, ports, rail, and so forth.

Further, the tiny sums that have been appropriated for rail security have been very slow to move. Last year, the Department of Homeland Security took 9 months just to start sending appropriated funds to State and local transit authorities. I realize they can't turn the spigot on overnight, but 9 months? We can do better than that, and we need to. Rail and transit security should not be controversial issues. We know we need to upgrade the emergency exits and surveillance equipment at train stations. Further, we need to hire more police officers, we need to train and deploy more bomb-sniffing dogs, and we have to develop more sophisticated equipment that would allow us to detect threats without unduly slowing commute times. It will require smart people, a strong focus, and good leadership. That is why we must pass rail security legislation that lays out a national approach and framework.

While I am very happy we adopted the rail and transit security amendment to this bill, I simply cannot understand why this legislation has been so difficult to get passed and signed into law. What is controversial about hiring bomb-sniffing dogs or improving surveillance? Nothing. The threat has simply not been taken seriously.

How much more time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 45 seconds remaining.

Mr. CARPER. I hope this casual approach to a dangerous threat ends with the adoption of the rail and security amendments this week. I strongly support their passage and urge our leadership to fight to maintain them in the bill with the amendments we send to the President.

In conclusion, it has been 5 years since 9/11; 5 years of hearing that we need to take threats seriously and realize we live in a dangerous world. It is time we act on those words and protect the millions of Americans who rely on rail and transit every day, and on our ports, just as this legislation would better protect our ports and the communities around them in the years ahead.

Mr. President, I yield my time.

Ms. COLLINS. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, we are in a time where we have equally divided time, and I am going to give 5 minutes to the Senator from Arkansas off of our time and ask unanimous consent that any quorum calls that occur from here on are equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arkansas is recognized for 5 minutes.

AMENDMENT NO. 4959

Mr. PRYOR. Mr. President, I thank the managers of this legislation. They have done a fantastic job in getting us to where we are today. Also, I thank Senator TALENT of Missouri, who has been my cosponsor on the amendment I wish to visit with you about, very briefly, today.

Port Security remains a major vulnerability for this country, and tied to port security is trucking security.

The 9/11 Commission identified foreign trucking entities entering the United States as a top homeland security concern. The DOT inspector general has recommended that various security enhancements to the trucking

security provisions in this bill be made. This goes back to 2004, but they have largely been ignored since that time.

If you look at the reality of the situation in which we find ourselves today, we have NAFTA, where NAFTA allows foreign trucks to come into the United States within 25 miles of the U.S. border. They can pass between Mexico and Canada. But what we have found in reality is that, although most are playing by the rules, and that is good, there are some truckdrivers and trucking companies violating the provisions of U.S. law by delivering goods and picking up goods far outside the scope of where they are supposed to do it.

Trucking is very important to this country. It may not be very exciting to some people, but it is very important to this country because 70 percent of our Nation's cargo is carried by truck.

It is also important to homeland security because trucks have been used in terrorist attacks in years past. What Senator TALENT and I are trying to do with our amendment—and the managers have graciously agreed to accept it in the managers' package—is to direct the Department of Transportation and the Department of Homeland Security to first verify legal status of all licensed commercial truck drivers operating in the United States. Right now there are about 11 million of those, and there are about 40,000 new ones every month.

First, we have to verify legal status.

Second, we eliminate commercial driver's license fraud. Of course, we know that it is not perfect. We will probably not eliminate every single incident of that, but we are going to make a very serious stab at eliminating as much as possible.

Third—this is very important—we give State governments and local law enforcement uniform guidelines and tools for enforcing immigration violations by truckers who are operating beyond the scope of their authority.

This is something that we have seen in Arkansas—I am sure that Senator TALENT has seen it in Missouri—and all around the country. People on the ground down in the trenches, local law enforcement—in our case, it is the highway police—don't have any clear direction on what they can do if they find someone who is driving illegally under these circumstances.

We do all this and give them 1 year to comply with this amendment.

We are basically taking areas that have been identified by the 9/11 Commission or by the DOT inspector general, and we are holding DOT's and DHS's feet to the fire to make sure they do the right thing when it comes to immigration and homeland security.

It is a win-win-win across the board. It is good for the United States economy, it is good for our trucking industry, and it is good for United States security and homeland security. It will reward the good guys and punish the bad guys.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I commend the Senator from Arkansas for his involvement on this issue. He is a terrific member of the Homeland Security Committee. I appreciate his many contributions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 5016, 5017, 5018, AND 5001, EN BLOC

Mr. STEVENS. Mr. President, I send three amendments to the desk for myself, Senator GRASSLEY and Senator SNOWE.

There is a Wyden amendment, No. 5001, at the desk.

Mrs. MURRAY. Mr. President, if the Senator will withhold for 1 minute until we have a chance to see what those are. I don't have the package in front of me.

I thank the Senator.

Mr. STEVENS. Mr. President, the Wyden amendment is on the definition of change, my amendment pertains to anchor handling, the Snowe amendment is with regard to a conveyance extension, and the Grassley amendment is with regard to technical corrections.

These were erroneously left out of the managers' package which we processed last evening.

I ask unanimous consent that these four amendments be considered as additions to the managers' package, that they be considered en bloc and agreed to en bloc, and the motions to lay on the table be agreed to.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 5016

(Purpose: To provide a phased and temporary anchor movement exception for Alaska)

SEC. ———. PHASE-OUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and sections 12105(c) and 12106 of title 46, United States Code, a foreign-flag vessel may be employed for the movement or transportation of anchors for operations in support of exploration of offshore mineral or energy resources in the Beaufort Sea or the Chukchi Sea by or on behalf of a lessee—

(1) until January 1, 2010, if the Secretary of the department in which the Coast Guard is operating determines that insufficient eligible vessels documented under chapter 121 of title 46, United States Code, are reasonably available and suitable for these support operations; and

(2) during the period beginning January 1, 2010, and ending December 31, 2012, if the Secretary determines that—

(A) the lessee has entered into a binding agreement to use eligible vessels documented under chapter 121 of title 46, United States Code, in sufficient numbers and with sufficient suitability to replace foreign flag vessels operating under this section; and

(B) the Secretary determines that no eligible vessel documented under chapter 121 of title 46, United States Code, is reasonably available and suitable for these support operations to replace any foreign flag vessel operating under this section, if such a determination is made, until January 1, 2013, if no vessel documented under the laws of the United States is reasonably available and suitable for these support operations to replace any foreign-flag vessel operating under this section.

AMENDMENT NO. 5017

(Purpose: To make technical corrections)

On page 5, line 2, insert ''to'' before ''secure''.

On page 8, line 8, strike the first period and ''; and''.

On page 12, line 24, strike '', of this section'' and insert ''of this section,''.

On page 16, line 15, strike ''and State'' and insert ''State''.

On page 16, line 18, after ''stakeholders'' insert the following: ''adversely affected by a transportation security incident or transportation disruption''.

On page 17, line 23, insert ''Public Law 108-293'' before ''118''.

On page 20, line 15, strike ''of the Nation's commercial seaports'' and insert ''of the commercial seaports of the United States''.

On page 24, line 4, strike the semicolon and insert a comma.

On page 24, line 13, strike ''(2)'' and insert ''(1)''.

On page 27, line 23, strike ''ocean-borne'' and insert ''oceanborne''.

On page 28, line 8, strike ''ocean-borne'' and insert ''oceanborne''.

On page 29, line 5, strike '', and'' and insert ''and''.

On page 33, line 17, after ''issues'', insert ''resulting from a transportation security incident or transportation disruption''.

On page 36, line 11, insert ''the'' before ''Container''.

On page 39, line 24, strike ''ocean-borne'' and insert ''oceanborne''.

On page 48, line 7, insert a comma after ''Commissioner''.

On page 69, line 3, strike ''Undersecretary'' and insert ''Under Secretary''.

On page 72, lines 18 and 19, strike ''the current fiscal year'' and insert ''the fiscal year in which the report is filed''.

On page 73, line 23, strike ''the current fiscal year'' and insert ''the fiscal year in which the report is filed''.

On page 85, line 23, strike the first period.

AMENDMENT NO. 5018

(Purpose: To change a conveyance date for Coast Guard property in Portland, Maine)

SEC. ———. COAST GUARD PROPERTY IN PORTLAND, MAINE.

Section 347(c) of the Maritime Transportation Security Act of 2002 (Public Law 107–295; 116 Stat. 2109) is amended by striking ''within 30 months from the date of conveyance.'' and inserting ''by December 31, 2009.''.

AMENDMENT NO. 5001

(Purpose: To modify the definition of the term ''container security device'')

On page 4, line 25, strike ''a device'' and all that follows through page 5, line 4, and insert

the following: a device, or system, designed, at a minimum, to identify positively a container, to detect and record the unauthorized intrusion of a container, and to secure a container against tempering throughout the supply chain. Such a device, or system, shall have a low false alarm rate as determined by the Secretary.

Mr. STEVENS. I thank the Chair. I thank all concerned.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I would like to have the Chair recognize the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4923, AS MODIFIED

Mr. ISAKSON. Mr. President, I call up amendment No. 4923, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 4923.

Mr. ISAKSON. Mr. President, I ask unanimous consent that amendment No. 4923 be modified with the Kennedy amendment, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is so modified, notwithstanding the filing deadline.

The amendment, as modified, is as follows:

(Purpose: To reduce the radiation exposure of maritime workers and to reimburse maritime terminal operators for additional costs associated with illnesses or injuries for which exposure to ionizing or non-ionizing radiation from cargo screening procedures required under Federal law is a contributing cause)

At the appropriate place, insert the following:

SEC. ___. CARGO SCREENING.

(a) RADIATION RISK REDUCTION.—

(1) SAFETY PROTOCOLS.—Immediately upon passage of this Act, the Secretary, in consultation with the Secretary of Labor and the Director of the National Institute of Occupational Safety and Health at the Centers for Disease Control, shall develop and implement protocols to protect the safety of port workers and the general public.

(2) PUBLICATION.—The protocols developed under paragraph (1) shall be—

(A) published and made available for public comment; and

(B) designed to reduce the short- and long-term exposure of worker and the public to the lowest levels feasible.

(3) REPORT.—Not later than 1 year after the implementation of protocols under paragraph (1), the Council of the National Academy of Sciences and Director of the National Institute of Occupational Safety and Health shall each submit a report to Congress that includes—

(A) information regarding the exposure of workers and the public and the possible risk to their health and safety, if any, posed by these screening procedures; and

(B) any recommendations for modification of the cargo screening protocols to reduce exposure to ionizing or non-ionizing radiation to the lowest levels feasible.

(b) GOVERNMENT RESPONSIBILITY.—Any employer of an employee who has an illness or injury for which exposure to ionizing or non-ionizing radiation from port cargo screening procedures required under Federal law is a contributing cause may seek, and shall receive, full reimbursement from the Federal Government for additional costs associated with such illness or injury, including costs incurred by the employer under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.), State workers' compensation laws, or other equivalent programs.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENTS NOS. 4923, AS MODIFIED, AND 4986, AS MODIFIED

Ms. COLLINS. Mr. President, there are two amendments that have been cleared on both sides, the Isakson amendment No. 4923, as modified, and the Baucus amendment No. 4986, as modified. I ask unanimous consent that they be agreed to en bloc.

The PRESIDING OFFICER. There is no modification at the desk to the Baucus amendment.

The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. BAUCUS, proposes an amendment numbered 4986, as modified.

The amendment, as modified, is as follows:

(Purpose: To require that as part of the annual performance plan required in the budget submission of the Bureau of Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner of Customs establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the Bureau with respect to the interdiction of illegal drugs entering the United States, and for other purposes)

At the end of the bill, insert the following:

TITLE V—METHAMPHETAMINE

SEC. 501. METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.

(a) COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.—For each of the fiscal years of 2007, 2009, and 2011, as part of the annual performance plan required in the budget submission of the United States Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner shall establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the United States Customs and Border Protection with respect to the interdiction of illegal drugs entering the United States.

(b) STUDY AND REPORT RELATING TO METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.—

(1) ANALYSIS.—The Commissioner of shall, on an ongoing basis, analyze the movement of methamphetamine and methamphetamine precursor chemicals into the United States. In conducting the analysis, the Commissioner shall—

(A) consider the entry of methamphetamine and methamphetamine precursor chemicals through ports of entry, between ports of entry, through the mails, and through international courier services;

(B) examine the export procedures of each foreign country where the shipments of methamphetamine and methamphetamine precursor chemicals originate and determine if changes in the country's customs over time provisions would alleviate the export of methamphetamine and methamphetamine precursor chemicals; and

(C) identify emerging trends in smuggling techniques and strategies.

(2) REPORT.—Not later than September 30, 2007, and each 2-year period thereafter, the Commissioner, in consultation with the United States Immigration and Customs Enforcement, the United States Drug Enforcement Administration, and the United States Department of State, shall submit a report to the Committee on Finance and the Committee on Foreign Relations of the Senate, and the Committee on Ways and Means and the Committee on International Relations of the House of Representatives, that includes—

(A) a comprehensive summary of the analysis described in paragraph (1);

(B) a description of how the United States Customs and Border Protection utilized the analysis described in paragraph (1) to target shipments presenting a high risk for smuggling or circumvention of the Combat Methamphetamine Epidemic Act of 2005 (Public Law 109–177).

(3) AVAILABILITY OF ANALYSIS.—The Commissioner shall ensure that the analysis described in paragraph (1) is made available in a timely manner to the Secretary of State to facilitate the Secretary in fulfilling the Secretary's reporting requirements in section 722 of the Combat Methamphetamine Epidemic Act of 2005.

(c) DEFINITION.—In this section, the term ''methamphetamine precursor chemicals'' means the chemicals ephedrine, pseudoephedrine, or phenylpropanolamine, including each of the salts, optical isomers, and salts of optical isomers of such chemicals.

The PRESIDING OFFICER. Is there further debate on the amendments? If not, without objection, the amendments, as modified, are agreed to en bloc.

The amendments (Nos. 4923, as modified, and 4986, as modified) were agreed to.

Ms. COLLINS. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. COLLINS. Mr. President, very shortly we will be voting on cloture on the Port Security Act. I urge my colleagues to support the cloture motion. We hope to be able to complete action on this bill by 5 o'clock this afternoon. We are working toward that goal.

Senator MURRAY and I are happy to talk to our colleagues, but we will be moving through the amendments at a very rapid pace after cloture is invoked, as I hope it will be. We have made great progress on this bill. It is

an important bill for our homeland security, and I urge all of our colleagues to support the cloture motion.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are about to vote on cloture on a very important maritime cargo security bill. This is a bill that will have a significant impact on the Nation's security, as it is implemented. A number of people have been working on the floor for the last several days to work our way through amendments. I think a lot of progress has been made, and I am very pleased with the number of improvements that have been made to this bill over the last several days.

When this bill is finally passed out of the Senate and conferenced with the House, which I hope will occur shortly, and signed by the President, we can all say that in a bipartisan way we have significantly made a difference in the lives of all Americans.

In a moment we will be voting on cloture. That means this bill is very close to the end. We have a few amendments we are going to be dealing with, but both the Republican leader and the Democratic leader have been clear they want this bill finished by early afternoon. That means if any of our colleagues on our side have an amendment they need to have discussed, they need to talk with us during this cloture vote or their amendment will not be considered. So I urge anybody on my side who has an amendment out there, an issue that needs to be dealt with, to talk with us during this coming cloture vote.

Mr. President, with that, I urge my colleagues on my side to vote for cloture and to move this very important piece of legislation forward.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Pennsylvania, Mr. SPECTER, be allowed to speak for 10 minutes as in morning business immediately after the cloture vote.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I would not object. If the Senator could withhold for just 1 minute to let me check on my side.

Ms. COLLINS. I would be happy to withhold.

Mrs. MURRAY. Mr. President, I would ask the Senator from Maine to modify her request so that following the 10 minutes for the Senator from Pennsylvania that Senator BAUCUS be allowed to the speak for 10 minutes on our side.

The PRESIDING OFFICER. Does the Senator so modify her unanimous consent request?

Ms. COLLINS. Mr. President, I so modify my request.

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 432, H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Bill Frist, Susan M. Collins, David Vitter, Jon Kyl, James Inhofe, Tom Coburn, Jim DeMint, Richard Burr, Wayne Allard, Ted Stevens, Craig Thomas, Richard C. Shelby, R.F. Bennett, Mike Crapo, Sam Brownback, Rick Santorum, Larry E. Craig.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 4954, the Security and Accountability for Every Port Act, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

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

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

The yeas and nays resulted—yeas 98, nays 0, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—98

Alexander	Dorgan	McConnell
Allard	Durbin	Menendez
Allen	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burns	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Santorum
Cantwell	Inouye	Sarbanes
Carper	Isakson	Schumer
Chambliss	Jeffords	Sessions
Clinton	Johnson	Shelby
Coburn	Kennedy	Smith
Cochran	Kerry	Snowe
Coleman	Kohl	Specter
Collins	Kyl	Stabenow
Conrad	Landrieu	Stevens
Cornyn	Lautenberg	Sununu
Craig	Leahy	Talent
Crapo	Levin	Thomas
Dayton	Lieberman	Thune
DeMint	Lincoln	Vitter
DeWine	Lott	Voinovich
Dodd	Lugar	Warner
Dole	Martinez	Wyden
Domenici	McCain	

NOT VOTING—2

Akaka	Chafee

The PRESIDING OFFICER. On this vote, the yeas are 98, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR COMMITTEES TO MEET

Mr. FRIST. Mr. President, I have 10 unanimous consent requests for committees to meet. They have the approval of the leaders. I ask unanimous consent that these requests be agreed to and printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I would make an inquiry. I inquire of the distinguished majority leader if the Senate Armed Services Committee could be added to that list and, therefore, be able to continue our hearing.

Mr. FRIST. Mr. President, right on top of the 10 requests is the unanimous consent request that the Armed Services Committee be authorized to meet during the session.

For the information of our colleagues, there had been an objection earlier today. I talked to the appropriate Members and that was readily agreed to. So the Armed Services Committee will be able to meet accordingly any time today.

Again, for the information of our colleagues, I ask the chairman of that committee to indicate what time they will resume the meeting.

Mr. WARNER. Mr. President, I thank our distinguished leader. With the concurrence of the distinguished ranking member, Mr. LEVIN, we have agreed to resume in open session a markup in the Armed Services Committee in Hart 216 at 2:15.

Mr. LEVIN. Mr. President, will the majority leader yield?

Mr. FRIST. Yes.

Mr. LEVIN. To make sure that the Record is clear, there has never been and has not been any objection—I am sure the majority leader would concur—any objection from this side at any time to the Armed Services Committee meeting today.

Mr. WARNER. Mr. President, I thank the Senator. That is well known to this Senator—that the Senator from Michigan and that side of the aisle has been totally cooperative in having a markup.

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

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

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I believe I have consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator is correct.

TERRORIST SURVEILLANCE

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly about two subjects: One, the legislation providing for judicial review for the President's terrorist surveillance program; and, second, what we are going

to do to comply with Hamdan v. Rumsfeld.

The Judiciary Committee reported out three bills yesterday. S. 2453, which is my bill, provides that the surveillance program will be submitted to the Foreign Intelligence Surveillance Court. There is no doubt that the President's program violates the Foreign Intelligence Surveillance Act, which purports to be exclusive. But if there is constitutional authority under Article 2, that constitutional authority trumps the act. The only way there can be a determination on that is to have a court weigh the seriousness of the threat as opposed to the invasion on privacy.

This legislation, S. 2453, does not authorize the President's program, contrary to the assertions of many people. What it does is subject the President's program to judicial review. It does not mandate review because, understandably, the President does not want to curtail his institutional authority.

What I have sought to accomplish is to have this program reviewed; and the President has made a commitment, confirmed by the White House, that this program will be submitted for judicial review.

There has been a contention raised that there is an inconsistency between Senator FEINSTEIN's bill, S. 3001, and my bill, S. 2453, and it is not true. The provision in Senator FEINSTEIN's bill says that the FISA is the exclusive means for wiretapping. That is true, unless the statute is superseded by a constitutional provision.

My bill, S. 2453, says that nothing in the act limits the President's constitutional authority, because a statute cannot limit the President's constitutional authority.

We will be moving ahead, I hope shortly, with the leader calling the bill to the floor so that we can make a determination on judicial review to see to it that whatever wiretapping is going on is judicially approved. It may be that some cases will come up collaterally. There are a number of cases in district courts. The one in Portland may have standing. I do not propose, in my legislation, to strip any court of jurisdiction where a case has been started and has proceeded. I think, in the course of business, the matters ought to be referred to the FISA court, but not for any jurisdiction stripping where courts have proceeded.

With respect to the activities of the Congress seeking to comply with the ruling of the Supreme Court of the United States in Hamdan v. Rumsfeld, the primary responsibility goes to the Armed Services Committee. The Judiciary Committee does have jurisdiction because title 18 of the Criminal Code is implicated and we have jurisdiction over the interpretation of the Geneva Conventions.

There have been a number of controversial issues raised on which I would like to comment. One provision relates to classified information. It is my view that it is indispensable to have witnesses confront their accusers and know what the evidence is. Common Article 3 of the Geneva Conventions provides that there has to be an affording of all judicial guarantees which are recognized as indispensable by civilized people. I think that would include telling somebody what the evidence is before they have a significant penalty which might include the death penalty.

We have a Confidential Information Protection Act which sets the guidelines that I think ought to be applicable here. The consequence is, if you cannot produce the evidence for the defendant to hear, the case may have to be dismissed. But that will not prejudice the government here because these individuals can be detained as enemy combatants for an indefinite period of time.

So we will not disclose sources and methods; we will not release anybody; we may not convict them if we can't produce the evidence, but they will be detained and not present a threat.

There is an issue raised as to coerced confessions. I do not believe that we can tolerate that and be consistent with United States law or consistent with the Geneva Conventions. Coerced confessions are unfair and they are unreliable.

With respect to Common Article 3, the Judiciary Committee has submitted for consideration and inclusion in the legislation being considered by the Armed Services Committee amendments to section 303 on war crimes.

I ask unanimous consent that they be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. SPECTER. Mr. President, with respect to the controversy about whether there ought to be included the provisions of the Detainee Treatment Act, I believe that they should be because they further delineate what would constitute a violation of Common Article 3. But I do not believe they ought to be exclusive or foreclose other considerations under Common Article 3. In addition to the specification of the crimes under the War Crimes Act, which I have submitted, it would be useful to have the provisions of the Detainee Treatment Act included, which are the fifth amendment, the eighth amendment and the 14th amendment, where there has been considerable judicial interpretation as to what are prohibited acts.

General Hayden, Director of the CIA, thinks that is necessary in order to be able to give comprehensive advice.

I personally do not know that the interrogation has to go beyond what is in the Army Field Manual. In a visit to Guantanamo, the chief interrogator handling some 32 interrogators and thousands of interrogations thinks that the Army Field Manual is sufficient. It may or may not be. The CIA wants greater latitude, but there is some assurance of congressional oversight because the interrogation tactics have to be submitted to the Intelligence Committee. One other point that I want to comment on is my concern about the inclusion of habeas corpus relief. I believe that it is important to retain jurisdiction of the Federal courts on habeas corpus. This was a contested issue under the Detainee Treatment Act, but we have seen that the only real firm guidance has come from the Supreme Court of the United States.

In three cases regarding detainees from June of 2005, Jose Padilla, Hamdi, and the Hamdan v. Rumsfeld decision, the Congress has been unwilling or unable to act. I introduced legislation for military commissions shortly after September 11 as did other Senators. We didn't act. We punted to the Supreme Court.

These issues, regrettably, experience has shown, are just too hot to handle by the Congress. The Supreme Court of the United States under the rule of law has enforced compliance of detainees, and now compliance for those who are to be tried for war crimes under the Geneva Conventions' terms as well as under title 18.

It is simply insufficient to limit the great rift which seems embodied in our habeas corpus statute.

I have had some discussion with Senator LEVIN, who is on the floor at the present time, about offering an amendment if in fact the bill comes from the Armed Services cutting out habeas corpus.

It is my hope that we can move reasonably promptly to S. 2453 so that there may be set in motion the procedures to have the Federal courts rule on the constitutionality of the President's electronic surveillance program.

It would be highly desirable to bring the entire program under the Foreign Intelligence Surveillance Act. There are provisions in Senator FEINSTEIN's bill, S. 3001, which I have cosponsored, that I believe would enable us to bring individual live warrants for causes which originated in the United States and go overseas.

I have been advised that the calls which originate overseas are so numerous that it is not possible to have individual live warrants. So that under these circumstances the most that can be accomplished is to have the program submitted to the Foreign Intelligence Surveillance Court.

In one of the four hearings on this bill, four former judges of the FISA Court appeared and testified and commented that the bill was practical, that there was sufficient standing, that there were litigable issues and that the Foreign Intelligence Surveillance Court can handle it. They can handle it as a matter of expertise because of their extensive experience, and they can handle it because their proceedings are closed so that there is not a public disclosure of state secrets.

It may be, as I said very briefly earlier, that one of the cases coming out of Federal courts—there has been a decision from Detroit, and there is a case pending in San Francisco—my review of those cases suggests to me that the case which is coming out of Portland I think would have standing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. Mr. President, I thank the distinguished chairperson of the Homeland Security Committee for yielding me the time. I yield the floor.

EXHIBIT 1

SEC. 303. WAR CRIMES ACT AMENDMENT.

Section 2441 of title 18, United States Code is amended by replacing subsection (c)(3) with the following:

''(3) which constitutes any of the following serious violations of common Article 3 of the international conventions signed at Geneva 12 August 1949, when committed in the context of and in association with an armed conflict not of an international character:

''(1) TORTURE.—Any person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be guilty of a violation of this subsection. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. 2340(2).

''(2) CRUEL OR INHUMAN TREATMENT.—Any person who commits, or conspires or attempts to commit, an act intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including severe physical abuse, upon another person within his custody or physical control shall be guilty of a violation of this subsection. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. 2340(2).

''(3) PERFORMING BIOLOGICAL EXPERIMENTS.—Any person who subjects, or conspires or attempts to subject, one or more persons within his custody or physical control to biological experiments without a legitimate medical purpose and in so doing endangers the body or health of such person or persons shall be guilty of a violation of this subsection.

''(4) MURDER.—Any person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in the hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

''(5) MUTILATION OR MAIMING.—Any person who intentionally injures, or conspires or attempts to injure, or injures whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in the hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause, by disfiguring the person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of his body, or burning any individual without any legitimate medical or dental purpose, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

''(6) INTENTIONALLY CAUSING GREAT SUFFERING OR SERIOUS INJURY.—Any person who intentionally causes, or conspires or attempts to cause, serious bodily injury to one or more persons taking no active part in the hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack. 'Serious bodily injury' has the meaning provided in 18 U.S.C. 113(b)(2).

''(6) RAPE.—Any person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused or with any foreign object shall be guilty of a violation of this subsection.

''(7) SEXUAL ASSAULT OR ABUSE.—Any person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact, shall be guilty of a violation of this subsection. For purposes of this offense, 'sexual contact' has the meaning provided in 18 U.S.C. 2246(3). Sexual assault or abuse may also include, but is not limited to forcing any person to engage in simulated sexual acts or to pose in an overtly sexual manner.

''(8) TAKING HOSTAGES.—Any person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be guilty of a violation of this subsection. This provision shall not apply to prisoner exchanges during wartime. Any person who attempts to engage or conspires to engage in this offense shall also be guilty under this subsection;''

Section 2441 of title 18, United States Code is amended by replacing the period at the end of subsection (c)(4) and adding the following new subsections:

''(5) involving 'genocide' as defined in title 18, United States Code, section 1091;

''(6) involving 'sabotage' as defined in title 18, United States Code, section 2151 et seq.; or

''(7) involving forced oaths, conversions, or renouncements of one's allegiance to a nation or religion.

Section 2441 of title 18, United States Code is amended in subsection (a) by adding ''attempts to commit a war crime, or conspires to commit a war crime,'' after ''commits a war crime.''

Section 2441 of title 18, United States Code is amended by adding the following sentence at the end of subsection (b):

The circumstances referred to in subsection (a) shall also include unprovoked attacks on American citizens on domestic or foreign soil by any private army, terrorist organization, or other ideological combination or alliance where such an attack would otherwise be considered a war crime if committed by a nation state or military force.

CHAPTER 3—JUDICIAL REVIEW; MISCELLANEOUS. SEC. 301. JUDICIAL REVIEW.

COMBATANT STATUS REVIEW TRIBUNALS.—The United States Court of Appeals for the Armed Forces shall, with the United States Supreme Court upon a petition for certiorari, have exclusive jurisdiction to determine the validity of any final decision of a Combatant Status Review Tribunal. The scope of such review is defined in section 1005(e)(2) of the Detainee Treatment Act of 2005. If the Court grants a detainee's petition for review, the Department of Defense may conduct a new Combatant Status Review Tribunal.

(1) MILITARY COMMISSION.—Review shall be had only of final judgments of military commissions as provided for pursuant to section 247 of the Military Commissions Act of 2006.

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for 10 minutes.

EXTENDERS PACKAGE

Mr. BAUCUS. Mr. President, yesterday I tried to get the Senate to pass a bill extending the 2005 expired tax provisions, what we call the extenders package. The majority leader objected at that time and stated that it was his desire that the extenders continue to be part of the so-called ''trifecta'' package, married with estate tax relief and a minimum wage increase. I told him yesterday of my concern that since that strategy has already failed a number of times, and I don't think there is much hope of any change, and it is time to let the popular tax extenders package pass.

I want to take the leader at his word that there is hope for change. But I also read comments yesterday by one of our Senate colleagues tasked by the majority leader to try to find a solution to all of this, and that Member of that so-called task force is quoted as saying, ''My counsel is to do it in the lame duck session.''

I very much oppose that. I don't think it makes any sense to push all of this in a lame duck. Let me tell you why.

Last week, I asked the IRS Commissioner at a hearing of the Finance Committee what the drop-dead date was for tax extenders. By drop-dead date, I mean what is the latest date by which the IRS can receive changes to tax law and still have time to print and distribute tax forms for the 2006 tax year. He told me October 15. That is the drop-dead date. Clearly, that is after the recess and that is why this strategy makes no sense.

It makes no sense because after that date, it is very difficult for the IRS to print up the forms and, more than that, a lot of mistakes will be made.

Yesterday, I joined my good friend, the chairman of the Finance Committee, in releasing an analysis of just how the IRS will deal with all of these changes. Let me tell you what they concluded.

Senator GRASSLEY said upon releasing this analysis that, ''A delay of legislative action beyond the anticipated recess date of September 29 will cause hardship, tax compliance problems, and

confusion for the millions of taxpayers who claim these widely-applicable tax benefits.''

It is just a mess that we need not cause.

I also add that Senator GRASSLEY's counterpart in the House, the chairman of Ways and Means Committee, said, ''My job is to be responsible to the taxpayers, not a bureaucracy to make its job easier.''

I might also add that we are here to get the extenders passed for the taxpayers, to help taxpayers because taxpayers need this relief.

The chairman of the Finance Committee went on to say that, ''The failure to extend expired tax cuts will at best cause administrative snafus for the IRS and at worst cause taxpayers to miss out on the tax benefits they are entitled to.''

This is a taxpayer problem—one that we should address now before we recess.

I would also like to point out something else which I think is important. A resolution was passed yesterday by the House Republican Study Committee. They surveyed their members, and developed a list of five priorities. One of these priorities adopted by the 110-member group in the House Republican Study Committee was to ''pass a clean tax cut extenders bill.''

I would guess that group would be invested as much anyone else in passing the so-called trifecta bill, but even the 110 members in the other body have decided it is time to move on and pass the extenders.

There are more than 3 million teachers who have been buying classroom supplies who are waiting for their deduction to be restored. There are more than 12 million families in States with sales taxes, including many in the leader's home State of Tennessee, hoping they can deduct those sales taxes, just like families in income tax States. And there are more than 20,000 businesses hoping for this worker credit, that have hired the hard-to-employ workers who have been on long-term public assistance, people who simply want to get back into the workplace, and need a boost from the work opportunity credit. Those taxpayers are hoping the Senate gets this passed.

Just this morning I received a letter signed by more than 600 American companies and 164 trade associations representing thousands of small, medium, and large companies employing high-tech workers in research. They urged us to end this ''cloud of uncertainty.'' They are very concerned we are not going to pass this in time.

As I have said a couple of times, there are companies that have to restate their financials because of Congress's failure to pass these tax incentives which expired last year. It has not been the law for about 9 months, and they have to start restating their earnings on financial reports because of Congress's ineptitude, Congress's incompetence in not passing and continuing the research and development tax credit, teachers deduction, tuition deduction, and sales tax deduction.

School started just a short while ago. There are teachers who go to Wal-Mart to get supplies for their classroom because the school district is not providing enough to them. We should be giving them a tax deduction. School started and we are not giving it to them anymore. It makes no sense. It is wrong. It shows the competency of this Congress in doing its business is now very much in question.

Mrs. LINCOLN. Will the Senator yield?

Mr. BAUCUS. I am happy to yield.

Mrs. LINCOLN. Mr. President, I compliment and applaud the leadership of Senator BAUCUS in working to get the retired tax incentives renewed.

Did I hear the Senator correctly, the welfare-to-work and work opportunity tax credits expired at the end of 2005? Is it true that these credits have expired and we in Washington have yet to renew them, and 20,000 businesses have not been able to use this important tool?

We are here to provide tools to businesses to grow the economy, to grow the jobs. I know the good Senator from Montana traveled his State, as I did in Arkansas, in August. People are concerned about the economy. They are concerned about their jobs.

We are talking 20,000 businesses? Did I hear the Senator correctly?

Mr. BAUCUS. The Senator is correct. That is the number that use this work opportunity tax credit. We are trying to employ people. People are trying to get to work.

Mrs. LINCOLN. That is amazing. The objective is to get people off welfare, get them independent and into the jobs.

I think I heard the Senator correctly, as well, because we failed to renew the teacher expense deductions, more than 3 million schoolteachers nationwide—and there are a tremendous amount of Arkansas schoolteachers who give out of their own pockets to bring those supplies in their classrooms—those teachers are going to be paying higher taxes this year if we don't act now?

Mr. BAUCUS. If we do not enact this legislation and make it retroactive this year.

Mrs. LINCOLN. Mr. President, we have had numerous opportunities to renew important tax incentives. Earlier this year we had an opportunity in the tax reconciliation. The priority was to deal with tax cuts that had not even expired or were not going to expire—the dividend deduction and the capital gains.

With tax cuts that have expired, businesses are not going to be able to take advantage of work opportunity tax credits, in research and development. We know we are falling behind in stem cell research. We have businesses that want to make those investments in research and development and be the best they can be in the global marketplace.

These businesses have not been able, is that correct, to realize that tool and use that tax deduction for at least the first three quarters of this year?

Mr. BAUCUS. That is right, at a time when other countries give very generous assistance to their companies in developing research and development so those countries can compete in the global economy.

Mrs. LINCOLN. Once again, I applaud Senator BAUCUS's leadership and his tenacity to come out and say we have a limited amount of time left.

We have businesses out there that want to grow, that need the tools to grow. Yet these issues, things that we do every year to put into the toolboxes of our business, corporate America, our teachers, and others to be able to do the incredible things that make America great. Yet we are just sitting here. We are not doing it. They are being held hostage because we want to put all these eggs into one basket.

I have been very outspoken about my support for the estate tax reform, but there is no reason these extenders should be held hostage to all of these other things that people want to crowd into one basket.

The bottom line is, by failing to renew these incentives, as Senator BAUCUS has said, for responsible behavior such as savings and getting a college education, we are raising the taxes on many of our hard-working American families this year.

I applaud the Senator and I appreciate and am grateful for the leadership.

Mr. BAUCUS. And the answer to the Senator's implied question is, yes, all of that will occur if we do not get this passed. That is correct.

I see another colleague on the Senate floor who may have a question to ask.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAUCUS. I ask unanimous consent to proceed for 2 additional minutes.

Ms. COLLINS. Mr. President, I am compelled to object because we have another Senator coming over shortly for an amendment. I have promised the Senator from Nebraska and the Senator from Montana that they would have a few minutes to talk about their amendment.

Mr. BAUCUS. I say to my good friend, we are talking about 2 minutes.

Ms. COLLINS. It will come out of the time of the Senator from Nebraska because we have the Senator from New York coming at 12:45 for his amendment. I have no objection with that understanding—that it will come out of the time of the Senator from Nebraska.

Mr. BAUCUS. Mr. President, I think the Senator has a question to ask.

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

Mr. BAUCUS. I thank my colleague.

Mr. NELSON of Nebraska. Mr. President, I thank the chairman of the committee and appreciate very much his leadership.

I rise to state I support what Senator BAUCUS has proposed. It affects a number of Nebraska teachers, Nebraska families. I appreciate what the Senator is doing.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senators DURBIN, WYDEN, BIDEN, LAUTENBERG, NELSON of Nebraska, CONRAD, SARBANES, LEAHY, and BYRD be made cosponsors of my amendments Nos. 5003 and 5004.

Ms. COLLINS. I do not object.

Mr. BAUCUS. Now I proceed——

Ms. COLLINS. To the objectionable part.

Mr. BAUCUS. On the part of some.

UNANIMOUS-CONSENT REQUEST—H.R. 4096

Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 326, H.R. 4096; that the Senate adopt my amendments Nos. 5003 and 5004, which is the agreed-upon tax extenders package, the bill be read the third time and passed, the motion to reconsider be laid upon the table, the Senate return to the port security bill—which is not objected to—and all this occur without intervening action.

Ms. COLLINS. Mr. President, on behalf of the leader, I object. The leader objected yesterday. This is the same issue. He has asked I make this objection known.

The PRESIDING OFFICER. The objection is heard.

Ms. COLLINS. Mr. President, at this point I suggest time be yielded to the Senator from Nebraska and the Senator from Montana to briefly discuss a pending amendment of the Senator from Nebraska.

AMENDMENT NO. 4945

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I appreciate the distinguished chairman from Maine. I ask my colleagues, Senators BURNS and CRAIG, who join with me—Senator BURNS is here—I ask unanimous consent that my amendment No. 4945 be in order notwithstanding rule XXII. I know there will be an objection to it, but I also know that Senator BURNS would like to speak to it if possible, before the objection is entered.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, a point of order does lie against this amendment because it is not germane postcloture.

Prior to objecting to the Senator's unanimous consent request, I am happy to withhold so that the Senator from Montana may address this issue.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I am very supportive of the Senator from Nebraska on this issue. I wish we could have gotten a vote and not have to deal with a point of order. I don't think the fires we have had in Montana and the dry weather we have had in Montana yield to a point of order. We do have people hurting.

I appreciate the work done by the Senator from Nebraska. We will continue this exercise, passing an emergency disaster package for agriculture before we go home. I appreciate him allowing me some time.

I pass along to the Senate and Montanans we are having a drought. In fact, our water is only testing 85 percent moisture.

I thank the Senator.

Ms. COLLINS. Mr. President, I do object to the request of the Senator from Nebraska.

The PRESIDING OFFICER. The objection is heard.

Ms. COLLINS. I am very sympathetic to the concerns of both Senators but, unfortunately, this does not belong on the port security bill.

Mr. President, I ask unanimous consent it be in order to make the following point of order, en bloc. I make a point of order that the following amendments are not germane postcloture: amendment No. 4967, offered by Senator STABENOW; amendment No. 4957, offered by Senator CLINTON; amendment No. 4943, offered by Senator CLINTON; and amendment No. 4958, offered by Senator CLINTON.

The PRESIDING OFFICER. The Senator is correct, the point of order is sustained, and the amendments fall, en bloc.

Ms. COLLINS. Mr. President, I further make a point of order that amendment No. 4945, offered by the Senator from Nebraska, as modified, is also not germane postcloture.

The PRESIDING OFFICER. The point of order is sustained.

Ms. COLLINS. Mr. President, thank you.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 4930, AS MODIFIED

Mr. SCHUMER. Mr. President, I rise in support of an amendment that is pending. It will be voted on at 3:30, as I understand.

The amendment is very simple. It mandates—no test study, no pilot—it mandates we inspect all cargo that comes here for nuclear weapons within 4 years.

I have offered this amendment, frankly, out of frustration. This is something that can be done. This is something that is being done. This is something where the technology is working. Yet we refuse to move forward.

I come from New York. Obviously, we lived through September 11. However, I stay up at night sometimes worried about the worst tragedy that could befall us. There is nothing worse, in my opinion—and there are a parade of ''horribles'' with the terrorists—than a nuclear weapon exploding in America. It would change our lives so dramatically for so long for those who survive. If we were ever going to focus on a single issue, this should be it.

But for 4 years I have come to the Senate—my good friend from Minnesota has done very good work on this, my colleague from Maine has, my colleague from Washington has.

They say: We are not ready. Let's do a pilot. Let's study it. Let's improve the technology.

My colleagues, what has changed with me is that I visited the Hong Kong Port run by Hutchison Whampoa last April, along with the Presiding Officer. And we saw it working in two lines. Trucks went through—it did not hold them up—and they were inspected for nuclear weapons in a system that everyone who has looked at it says works.

So what are we waiting for? The cost is not large. It is estimated, once it is up and running, the cost would be about $8 a container. Yet it costs $2,000 to move a container from Hong Kong to the West Coast. It works. The cost is reasonable. We are not asking the Federal Government to pay for it. In a competitive container world, it probably will not even be passed on. That minimal .2 percent addition to the cost of a container will probably not be added on.

So now is the time, my colleagues. We can have another excuse and wait another year and do another pilot, work more on the security and on the technology, or we can implement something now. The Homeland Security Department, in my opinion, is derelict in this responsibility. They have dithered and dallied. Every time we have offered amendments to put an adequate amount of money in to fund this, it has been cut by this body and by the other body.

The frustration, when we know we can really protect the people of this country and we let special interests, we let the fact that we need money for something else—although I do not know what else is more important—stand in our way. It is a monument to why people are frustrated with Washington.

Again, you and I have seen it, I say to the Presiding Officer. We have seen this technology at work. Hutchison Whampoa stands by it. Their leader was so frustrated that he implemented it himself in Hong Kong. And everyone who has studied it says it works. Would it take a little while for all these foreign ports, the 40 ports of the CSI, to set this up? Yes, but not very long. And when you compare this to the danger we face, all of the arguments against mandating that our containers be inspected for nuclear weapons fade away.

Mr. President, I salute my colleagues who have offered other amendments. I salute my colleagues who have worked on the bill. It is a good step forward. But there is a glaring deficiency. We need a mandate. We have been patient long enough. It works. It can protect us. It is not expensive. What are we waiting for?

I urge my colleagues, I hope, I pray we can have a broad bipartisan majority for this amendment because—coming from New York, I feel this keenly—we do not want to be in the ''what if'' situation. God forbid, the worst has happened, a nuclear weapon has been

smuggled in on a container and exploded on our shores. We do not want to be in a situation where we say: What if What if we had done more. Because clearly, as of now, we are not doing enough.

I yield back.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I share the deep concerns of my friend, high school classmate, colleague from New York, where I grew up, about the danger of a nuclear weapon, the danger of a weapon of mass destruction being smuggled into this country in 1 of 11 million containers. We have, no doubt, the same vision. We want America safe.

That is what we have been doing here. That is what the work of the Senator from Maine and the Senator from Washington is about and what we have put forth in the underlying bill that will change.

By the way, there were a lot of things in homeland security that I was frustrated with.

We spent 3 years, the Permanent Committee on Investigations spent 3 years on this issue, studying it, holding hearings. I encourage my colleague from New York to go to Hong Kong to take a look. My colleague and the Presider Officer went to Hong Kong and took a look at the system that is operating on 2 lanes out of 40 to see what we could do to put in place a system that would scan each and every container that goes through. It is a wonderful system.

What we need is action. That is what we did yesterday. We got action. We have in this bill a pilot project that will put in place, in mandates, in directives, not a mandate of what is going to happen in 2008 and 2010, not playing into the sloganeering of ''scan every container,'' but the reality of action today to immediately put in place a pilot project to see if we can make it work in a wider, more systematic way.

I am taken aback when I hear my colleague talk about ''we do not need any pilot projects'' and ''we do not need any test study.'' We have a system in place in Hong Kong now that is 2 lanes out of 40. It is a wonderful system. What happens is—I call it kind of a moving CAT scan—trucks come in and they kind of go through this device, ISIS device, and it takes a scan of what is inside the truck. It has a radiation portal monitor, so you end up getting images. I have watched the images. Hong Kong is a CSI—Container Security Initiative—port, so I have worked with our folks there. But when a radiation alarm goes off in Hong Kong, our folks do not have the capacity to inspect it. There is no followup from us. The images that are received are not processed by the folks in Langley or somewhere else. They are not coordinated with what we do on national security. So you have in place a concept where we have to see whether it works. That is what we should be doing: action. That is what this is about.

It was fascinating; I was reading an editorial in the New York Times and was somewhat taken aback. I am trying to understand the motivation for moving forward with this amendment. This is what I call a wave-the-magic-wand amendment, that we are going to tell people we are mandating something we have already got on the table in front of us, something to test whether it works. That is what we should be doing.

I think, by the way, people in this country are frustrated with Washington when we promise things or sloganeer about something as important as this issue and somehow project the sense we are doing something when we are not doing anything, when there is already action in place—action, action—a pilot project and then a mandate that the Department, in 120 days, tells us: OK, what are the results. Show us how you have integrated this system which is now working in two lanes in Hong Kong—not integrated into anything in our operation—show us that it works, and then requiring the Secretary of Homeland Security, every 6 months, to come back to Congress and report on the status of 100 percent scanning, with specific criteria laid out. That is good government. That is good policy. In the end, I hope it is good politics.

I worry that this is about politics. There was an editorial, I have to say, in the New York Times, I believe today, and I was somewhat taken aback. It criticized Secretary Chertoff. That is OK. The Times can do that. I have criticized him on a number of occasions. But then the editorial talks about this issue of 100 percent scanning and then raised this issue of the cost of scanning—it is a small surcharge—and then it goes on to say: When it comes to homeland security, the Bush administration has completely allowed corporate profits to trump safety—as if somehow, because the cost of this is $20 per container, that is why we are not moving forward mandating it today.

I want to step back. The way I became aware of the Hong Kong project was because of the private sector that said: Senator, you have to see this. We are willing to pay it. The cost is not an issue. The private sector is willing to pay $20 a container to ensure security. God forbid there is a nuclear device that goes off, we shut down the entire import of goods into this country, and we devastate our economy. So this is not a money issue from the private side. This is maybe the old ex-mayor in me saying: This is kind of the practicality of making sure we have something that works.

The Washington Post, in an editorial in June, said it very clearly:

> ''[I]nspect 100 percent of containers'' is a slogan, not a solution, and we hope lawmakers resist the temptation to use it in the election season to come.

The election season is upon us. It is getting very close. This body, yesterday, moved forth with an amendment to put in place a pragmatic, realistic action-oriented way in which we can move to 100 percent screening. We put in place a pilot project to make sure what we are doing works and it makes sense.

We will spend, by the way, billions on this, not in the cost of the cargo but in setting these scanning systems up in the, what, over 700 ports throughout the world. And 147 are major ports. We are going to be spending a lot of money on this, but the issue is not money, it is doing it right. Let us step away from the sloganeering.

I am going to say this as to the idea of something being half-baked. If you put something in the oven and it is going to be really tasty when it is done, it is going to be really delicious, that is something fully baked. And you make sure it is baked in a way so when you eat it, you do not get sick. Half-baked is when you get something in the end that is the right thing—we believe, in the end, each and every container will be screened.

Right now, we have in place the screening of high risk. It is in this bill. Right now, we have the Department saying, before our Homeland Security Committee, by the end of next year, each and every container will be screened for a radiologic or nuclear weapon—by next year. But it will be done in our country. The goal is to have it pushed out, to have that screening done before it gets here. We do not need a half-baked way, a sloganeering way, and to simply say we are going to mandate something in the future, without any path to get there. We have the path. We have done it right. I hope my colleagues reject the Schumer amendment and stick with what we did yesterday because it really makes sense.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Minnesota for his leadership on this issue and for his excellent comments. This issue was debated at length yesterday, so I am going to make my comments very brief.

I do oppose Senator SCHUMER's amendment. I do not think it is practical at this point to require 100 percent scanning of 11 million containers coming into this country. And it ignores the very real improvements that are included in the underlying bill.

I am disappointed to hear the Senator from New York describe our bill as yet another study or yet another pilot project. It is way more than that. It has a layered security system that greatly strengthens the Container Security Initiative, the C–TPAT Program, the automated targeting system. And it includes the provisions we added yesterday at the behest of the Senator from Minnesota that will help us move toward 100 percent scanning when it is

feasible and practical, when the technology is there and able to be in an integrated system.

It also ignores the fact that our bill includes a mandate—a mandate, I would say to the Senator from New York—that the Department of Homeland Security has to install radiological monitors in the 22 busiest ports by the end of next year, which will result in 98 percent of all cargo being screened for radiation, and addresses the issue the Senator has raised about a nuclear bomb or the makings of a dirty bomb.

So this bill does a great deal. I must say, it disappoints me to hear the Senator imply that it does not, even though we disagree on this one particular issue. This has been a bipartisan bill. Senator MURRAY has worked very hard on it, as well as many of the rest of us.

But let me sum up the problems by reading from a recent letter from the World Shipping Council because I think it really says it best. I ask unanimous consent that the letter be printed in the RECORD.

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

WORLD SHIPPING COUNCIL,
September 7, 2006.

Hon. SUSAN M. COLLINS,
Chairman, Senate Committee on Homeland Security & Government Affairs, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: We understand that the Senate is expected to consider shortly legislation to enhance cargo and port security. We write to communicate the World Shipping Council's support for legislation that will enhance the security of both American ports and the international supply chain. Previously, the House of Representatives passed the SAFE Port Act (H.R. 4954). We hope that the Senate legislation will reflect in part this House bill, will further strengthen cargo and port security, and will enable this enhanced security legislation to become law this year.

During debate on this port security legislation, we understand that there may be an amendment which would propose to require 100% container inspection. Earlier this year, the House voted down a similar measure in its debate over the SAFE Port Act. Like the House, we urge you to vote No on any such amendment for the following reasons.

One-hundred percent container inspection proposals purport to be a cheap and effective way to ensure security. They are neither. It also fails to address fundamentally important security questions, it would disrupt American commerce, and it would cause foreign retaliation against American exports.

American commerce would be ground to a halt because there is no practical way to analyze or inspect the scanning images before vessel loading because it is too labor intensive and no technology currently exists to do the analysis, the proposal faces a dilemma that it clearly fails to address. Assuming the proponents intend that every container's scanning images must be inspected and approved before vessel loading, the costs of compliance and costs of gridlocked commerce would be enormous. It changes who the government trusts to perform container screening without a hearing, a pilot program, or a rational deliberative process.

The proposal would effectively end Customs' Trade Partnership Against Terrorism (C-TPAT), without so much as a hearing on the issue. This amendment rejects the strategic concept that there is low risk cargo that does not require inspection, and in doing so, it rejects many U.S. and international governmental efforts to create programs that reward supply chain participants for enhancing the security of their supply chains by inspecting their cargo less frequently. The proposal also undermines the Container Security Initiative (CSI), as CSI is an international cooperative program pursuant to which other governments have agreed to work with the U.S. government to review and inspect containers that are determined to present a security risk, not to inspect every container.

Lastly, the proposal will harm American exporters. The U.S. applies virtually no radiation screening and no inspection to its exports. The amendment proposes that the rest of the world must subject their exports to processes and procedures that the U.S. does not apply to its own commerce. Congress should expect the United States' trading partners to consider imposing reciprocal requirements on U.S. cargo should these proposals be enacted.

The SAFE Port Act established a rational and deliberative process to study and evaluate the deployment of such container inspection technology abroad and all the relevant implementation issues associated with such systems. Senate legislation that mirrors this approach is the correct way to address this important issue.

In conclusion, we look forward to working with you on the important issues of cargo and port security. And, we request that you oppose any 100% container inspection amendment.

Sincerely yours,
CHRISTOPHER L. KOCH,
President & CEO.

Ms. COLLINS. The letter reads, in part, as follows:

One-hundred percent container inspection proposals purport to be a cheap and effective way to ensure security. They are neither. It also fails to address fundamentally important security questions, it would disrupt American commerce, and it would cause foreign retaliation against American exports. . . .

The proposal would effectively end Customs' Trade Partnership Against Terrorism (C-TPAT), without so much as a hearing on the issue. This amendment rejects the strategic concept that there is low risk cargo that does not require inspection, and in doing so, it rejects many U.S. and international governmental efforts to create programs that reward supply chain participants for enhancing the security of their supply chains by inspecting their cargo less frequently.

It also undermines the Container Security Initiative. That is the international cooperative program where we station our inspectors in foreign ports and work with the governments that host those ports.

There are so many arguments against this amendment, Mr. President. The Washington Post said it very well in an editorial earlier this week as well. Most of all, let us remember what the implications are.

I have visited the port in Seattle and have seen the VACIS machines that do the x rays. It took approximately 4 minutes to do that x ray of the container and then another 15 minutes to analyze the image. If you do that with even the completely low-risk cargo, and you think of the fact that we have 11 million containers coming into this country, you are diverting resources away from inspections of high-risk cargo. It would create a massive backlog of cargo at our ports.

Now, as I have indicated, the technology is improving. I am glad the Senator from Minnesota set the record straight on what is and what isn't being done in Hong Kong at this time, where only two lanes are being scanned and the images are not being read and integrated into a security system. But we are going to keep improving the technology. We have a requirement that the Secretary report on this issue to us every 6 months after the pilot project in three foreign ports—after we have the results.

So we are moving in that direction, but let's do so in a practical, effective, efficient way. That is what the underlying bill does, particularly as strengthened by the Coleman-Collins-Stevens amendment.

Mr. President, we have tried very hard in this bill to make sure that we strike the right balance and put into place a security regime that is going to make our ports and our people safer. But we have done it without hampering the vital trade that manufacturers, retailers, and farmers in this Nation depend upon. I think we struck the right balance, and I am going to move to table the Schumer amendment, with the time of the vote to be determined at a mutually agreed upon time.

The PRESIDING OFFICER (Mr. VITTER). The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I want to briefly answer my colleagues. Of course, I have tremendous respect for what they have done and are trying to do. It is certainly true that my colleague from Minnesota was the first to talk about the system in Hong Kong.

I will make two points. First, it is true that we will put mandates here in the United States. We have them in New York in one of our ports. One, it is not close to being as sophisticated, effective, or as speedy as what is done in Hong Kong. It is not as good a system. Second, we don't have to debate the technicality of the system. We all know, as my friend from Minnesota said, that we have to push this outward, because if a nuclear weapon is on a container or a ship in New York Harbor that hasn't docked or been unloaded onto a truck and it explodes, the same terrible consequences exist for the people of New York, Los Angeles, Seattle, or anywhere else that has a major port.

I will make one other point. My colleagues argue for patience. My colleagues argue we have to do this in a certain way. If this were 1 year after 9/11, or 2 years after 9/11, I would agree. In fact, I did. I wanted to offer amendments like this 2, 3, and 4 years ago. But I believe this. I believe nothing

will get homeland security and the shipping industry and the world community to act and get something done better than a mandate. As long as they know they can delay, as long as they can go to DHS and present 10 reasons why this should not be done, DHS, which has shown absolutely no enthusiasm for doing this, will get nothing done.

If this were danger No. 37 on the list, maybe, again, we should not have the tough measure—I would say it is tough—of imposing this. I assure my colleagues—we all know how the world works—a deadline will get DHS, the shipping industry, and all of the other players to act and get this done better than any other method.

So, again, I salute what my colleagues have done, and I remind my colleague from Maine that I have said this is a good bill. In fact, I voted for cloture, despite the urging of some of my colleagues, because I think it is a good bill. On the issue of nuclear security, of inspection of containers for radiological material, no one can say that we have done a good job—not this Senate, not the House and, most of all, not this administration and the Department of Homeland Security.

The time is now to force everybody to act. The danger is too great. I have offered this amendment after years—not months, not days, but years—of trying all of the other ways to get homeland security and, frankly, our two bodies to act. So I am grateful to my three colleagues, all of whom have done yeomen's work in this area. But we can do more. I suggest to all of my colleagues here that this amendment will get us to do a lot more than any other amendment proposed thus far.

I yield the floor.

Mr. COLEMAN. Mr. President, I reiterate the great respect I have for my colleague from New York. He is concerned about this area and he is passionate about safety.

I want to make it clear that we are not counseling patience. We are not asking for delay. It is just the opposite. What we are doing and what we have done and what we did yesterday was action. What we are objecting to is an amendment that offers no real increase in security. We are objecting to an amendment that doesn't do anything, doesn't move the ball forward. It gives an opportunity to talk about 100 percent scanning, and it may end up in some commercial somewhere. I hope that is not what this is about.

The amendment doesn't do anything. It doesn't push the ball forward. This is not about patience. I am not very patient when it comes to making sure we are doing everything possible to protect against the possibility of a nuclear weapon being smuggled into this country, and that is what this bill does.

The amendment is to put in place a pilot project, move quickly; that is what it does. The amendment is to require 100 percent screening of all high-risk containers. That is what it does. We heard in committee the other day from the Secretary of Homeland Security, saying we can have 100 percent screening of all cargo containers for radiological devices by next year.

We are not counseling patience. We are supporting action and objecting to an amendment that offers no increase in safety. It doesn't move the ball forward at all.

I yield the floor.

Ms. COLLINS. Mr. President, I will move to table the Schumer amendment, with the understanding that the time for a vote will be at a mutually agreed-upon time.

The PRESIDING OFFICER (Mr. ALEXANDER). The minority leader is recognized.

Mr. REID. What is the matter before the Senate?

The PRESIDING OFFICER. The pending amendment before the Senate is the Schumer amendment.

The Democratic leader is recognized.

Mr. REID. Mr. President, last Friday the Senate Committee on Intelligence released a bipartisan report that discussed Iraq's links to terrorism and the use of information provided by the Iraqi National Congress. These reports provided the American people with important insights into these critical issues.

Unfortunately, the administration chose to redact—that is a word used around here meaning to black out—important portions of these reports that a bipartisan majority of the Intelligence Committee believes could have and should have been released to the American people.

Last night, I handed a letter to the distinguished majority leader informing him of my intent to offer an amendment to declassify one of these sections.

I will, at an appropriate time, ask unanimous consent that I have the pending amendment set aside to offer my amendment. I am not going to do that right now.

I do ask unanimous consent that a copy of my letter to Senator FRIST be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, September 13, 2006.

Hon. WILLIAM H. FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER FRIST: Late last week the Senate Select Committee on Intelligence on ''a bipartisan basis released reports that discussed Iraq's weapons of mass destruction program and its links to terrorism and the intelligence community's use of information provided by the Iraqi National Congress. These reports provided the American people with important insights into these critical issues.

Unfortunately, the Administration chose to classify certain important portions of these reports that should have been released to the public. A bipartisan majority of the Intelligence Committee disagreed with the Administration's decision to classify certain portions of the report's findings and conclusions and said that classifying this information is ''without justification.''

In my view, the Administration's decision to classify one particular portion of the report—a section discussing a CIA document about the alleged meeting in Prague between 9/11 hijacker Mohammed Atta and an Iraqi intelligence officer—is especially troubling and lacking in justification. As you may know, as recently as this Sunday on national television, Vice President Cheney left open the possibility that such a meeting may have occurred. However, a bipartisan majority of the Intelligence Committee, after thoroughly reviewing relevant intelligence reports and assessments, concluded ''no such meeting occurred.'' The continued classification of sections referencing this meeting only serves to prevent the American public from knowing the full facts about this matter.

The classified version of the Intelligence Committee's report, including the sections dealing with the alleged Atta meeting, are available for all Senators to review in the Committee's offices in room SH–211. I urge you to join with me to encourage all members to review his text so they understand its importance and why that text can and should be made available to the American people.

In light of the importance of this issue, I also think it is important that the Senate act to declassify those portions of the text on pages 96, 97, and 98 of the Intelligence Committee's report that are currently redacted but do not involve sources and methods.

I plan to offer an amendment on that subject to the legislation currently pending in the Senate. Notwithstanding the procedural situation on the floor, I hope you will join with me to offer this important amendment, permit the Senate to act on it, and support its swift adoption.

While I understand that S. Res. 400 spells out a process for the Senate to declassify information, that process is a lengthy one that is likely to take us well beyond your announced adjournment date for the U.S. Senate. Therefore, in light of the importance of this issue, I think it is appropriate that the Senate act expeditiously to declassify this material.

Sincerely,

HARRY REID,
U.S. Senate.

Mr. REID. Mr. President, again, before I get to the need for this amendment, let me be clear. This is about good government. It has nothing to do with politics. I notified the distinguished majority leader of my intentions to speak this afternoon, well in advance—not today; I advised him yesterday—so the majority leader—indeed, every Member of the Senate—knows this is not a partisan effort but, rather, a serious effort to ensure the Senate fulfills its responsibilities to the American people.

I sincerely hope that the majority leader has had time to think about this important amendment and will join with me today to get it agreed to.

The fact is, the White House was wrong to classify portions of the phase II report, as both Republicans and Democrats on the Intelligence Committee have said.

This chart states as follows:

The committee disagrees, however, with the Intelligence Community's decision to classify certain portions of the report's findings and conclusions . . . the Committee concludes that the Intelligence Community's

decision to classify this information is without justification.

This was made public last Friday from the report.

For the record, this is not my conclusion. This is not a Democratic conclusion. This is a bipartisan conclusion of the Republican-led Senate Intelligence Committee.

Again, here is what they said:

The Committee disagrees, however, with the Intelligence Community's decision to classify certain portions of the report's findings and conclusions . . . the committee concludes that the Intelligence Community's decision to classify this information is without justification.

A majority of the Republicans and Democrats in the Intelligence Committee came together and concluded that the administration's decision to keep information from the American people was without justification.

We talk about redaction. It is a word we use more often than I would think we should, but we are using it here today. I will show everyone in this chart what a redaction looks like. Here is the information I had in a letter to the majority leader where I said everyone should go upstairs and look at what these redacted sentences say.

This is not just any redaction. Although, obviously, I cannot discuss the specific content of this, the Intelligence Committee's report does contain some publicly available information that I can discuss.

According to unclassified sections of the committee's report, this section contains information from a CIA document about the alleged meeting in Prague between September 11 hijacker Mohammed Atta and an Iraqi intelligence officer. That is from page 135 of the report on terrorism, page 174 of the Democratic additional views.

As we all know, the alleged meeting referenced here was an important part of this administration's case for going to war. To this day, the meeting continues to be used by the administration officials to justify why we are still engaged in a war in Iraq. Obviously, this is an important piece of information as we assess how we got where we are today in Iraq and what we need to do to go forward in Iraq.

For all my colleagues, though, I want you to know, as important as it is, I would not be here today pressing the declassification of this information if I thought disclosing it to the American people would compromise our intelligence sources and methods. It doesn't.

A number of members of the Intelligence Committee who know exactly what this blacked-out section says, and have heard the administration's case for classifying it, have told me that significant portions of this passage can be declassified immediately with no harm to our national security, no revealing of sources and methods. Nor would I be here today if I thought the process of declassifying information spelled out in S. Res. 400 would work in this case.

S. Res. 400 talks about how we declassify information. As anyone who has taken a look at S. Res. 400 will quickly see, the process is a very lengthy process—so long, in fact, that it is impossible that the Senate would be permitted to express its views on an issue prior to the majority leader's announced adjournment date.

This amendment, the Reid-Rockefeller-Levin amendment, would provide the American people with information they have a right to know now. This amendment would not harm our national security. To the contrary, it will help ensure that we have a better informed Senate debate and a better informed American public, a critical underpinning of any effective national security policy.

I express my appreciation because he has just come to the Senate, to the ranking member of the Intelligence Committee. I want the RECORD to be spread with the fact of how much I appreciate, the Democratic Senators appreciate, the Nation appreciates, the Senator's dedicated work.

It has been tough sledding. The Senator has been dignified in his approach. I so appreciate the tireless efforts of the Senator. Most Senators are in the public eye. That is our job. The Senator's job is not to be in the public eye. The Senator spends days of his legislative life in a room in the Hart Building, in secret proceedings. Nothing can be said that goes on in that room. That is where the Senator spends his time. I so appreciate the Senator's dedicated service to our country.

Before I offer this unanimous consent request to set aside the pending amendment and have my amendment heard, I ask the distinguished Senator from West Virginia if he has some remarks he would like to make.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, first of all, I totally appreciate and totally do not deserve the kind comments of our leader from the State of Nevada, but I heard them and I won't forget them and I didn't mind them at all.

Before the Senate Intelligence Committee was able to release last week two sections of phase II that we have been working on in prewar intelligence in Iraq, we submitted the report to the intelligence community for declassification review.

Overall, the declassification process on the phase II report produced a final product that was a substantial improvement, I have to say, over past efforts, including the committee's heavily redacted July 2004 phase I report. Yet there were notable instances of overclassification in the final phase II report released September 8.

The committee, in its report, disagreed with the intelligence community's decision to classify certain portions of the report's findings and conclusions. In its decision to keep this information from the public, which is what this is about, the intelligence community was unable to demonstrate to the committee that disclosing the redacted—that is, what is blacked-out—the redacted information in question would compromise sensitive sources and methods or otherwise harm the national security.

The committee, therefore, on a bipartisan basis, concluded in its report, which was reported out unanimously, that the intelligence community's decision to classify this information that we are talking about is without justification. Those are the words in the report, ''without justification.''

The Reid-Rockefeller-Levin amendment addresses the most egregious instance in the committee's Iraq report where the cloak of classification is being used improperly to keep critical information from the American people. Specifically, the amendment seeks to overturn the intelligence community's unjustified decision to classify it—that is what this amendment is trying to do—and not only overturn, but the unjustified decision to classify in its totality the section of the Iraq report referring to a CIA document about the alleged meeting in Prague between 9/11 hijacker Mohamed Atta and an Iraqi intelligence officer.

As the unclassified text of the committee report states, the CIA document referenced in these redacted paragraphs expresses concerns about the alleged Prague meeting in the context of a public speech by President Bush planned for March 14, 2003.

For the information of Senators, the committee concluded in its September 8 Iraq report that the intelligence community was correct when it assessed prior to the war that there was no credible information—I repeat, no credible information—that Iraq was complicit in or had foreknowledge of the September 11 attacks on the United States or any other al-Qaida strike. The committee also concluded in its report, after exhaustive review of relevant intelligence reporting, that the alleged Atta meeting in Prague did not occur.

Significant portions of the redacted passage of the report concerning the alleged Atta meeting, if not the entire three paragraphs, can be declassified without revealing sources and methods—that is, without compromising in any way intelligence—or otherwise harming national security. The decision to keep from the public—the public of the Senate, the public of the United States of America—this revealing information about the use of intelligence information prior to the Iraq war represents an improper use of classification authority by the intelligence community, the effect of which is to shield the White House.

I urge my colleagues to go to the Intelligence Committee offices and read the classified portions of the Iraq report—Senators can do that; all Senators can do that, do it in those particular rooms, and they can do it freely—including the sections dealing with

the alleged Atta meeting. Senators should read the report and draw their own conclusions about whether information known prior to the war is being kept from the American people for reasons unrelated to protecting national security.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ROCKEFELLER. I am happy to.

Mr. DURBIN. Mr. President, I would like the Senator from West Virginia to clarify one point, if he might. We have two bodies of information. One is part of the Senate Select Committee on Intelligence report—unclassified, public knowledge. We have another body of information which is classified. I would like to ask the Senator from West Virginia strictly about the first.

The Senate Select Committee on Intelligence report that was issued last week—unclassified and public knowledge, which the Senator has referred to, and particularly as it relates to the alleged meeting in Prague, the Czech Republic, involving Mr. Atta, who was one of the terrorists involved in the 9/11 attacks—if I heard the Senator from West Virginia correctly, the report of the Senate Select Committee on Intelligence, an unclassified and public report, stated no such meeting occurred; is that correct?

Mr. ROCKEFELLER. That is correct.

Mr. DURBIN. Mr. President, I might ask the Senator from West Virginia the following: So when Mr. Tim Russert of ''Meet The Press'' asked Vice President DICK CHENEY, on September 10, this last Sunday, ''And the meeting with Atta did not occur?'' and the Vice President replied, ''We don't know,'' does that contradict the published, unclassified report of the Senate Select Committee on Intelligence that, in fact, we do know the meeting did not occur?

Mr. ROCKEFELLER. I would say to the Senator from Illinois that he is correct, it does contradict that, and moreover this contradiction has been carried on by a number of high officials in this Government for a very long period of time in spite of intelligence which they knew which said this meeting never took place.

Mr. DURBIN. Mr. President, I thank the Senator for yielding for the question.

Mr. ROCKEFELLER. In closing, I urge my colleagues to not only read the information blacked out, redacted—those are pages 96, 97, and 98—read those of the report, but also to consider it in the context of the unclassified, publicly released section on the alleged Atta meeting in Prague that precedes these pages. It sounds complicated, but it is not. Just go read it and you will understand.

I think Senators will find the information classified by the administration on these three pages does not involve intelligence sources and methods as much as it does provide insight into the warning bells that were going off all over about the alleged Atta meeting in the context of a Presidential speech a week before the Iraq war commenced. This is information on the use of prewar intelligence which the White House does not want the American public to have because it would be embarrassing.

The Senate cannot allow this misuse of classification authority to stand. I urge my colleagues to support the Reid-Rockefeller-Levin amendment.

Mr. President, I once again thank the minority leader and yield the floor.

(At the request of Mr. ROCKEFELLER, the following statement was ordered to be printed in the RECORD.)

• Mr. LEVIN. Mr. President, this past Friday, the Senate Intelligence Committee released a report that, among other issues, looks at what we have learned after the attack on Iraq about the accuracy of prewar intelligence regarding links between Saddam Hussein and al-Qaida. The report is a devastating indictment of the Bush-Cheney administration's unrelenting and misleading effort to convince the American people that Saddam Hussein was linked with al-Qaida, the perpetrators of the 9/11 attack.

Before the war, President Bush said: ''[Y]ou can't distinguish between al-Qa'ida and Saddam when you talk about the war on terror,'' and: ''This is a man [Saddam] that we know has had connection with al-Qa'ida. This is a man who, in my judgment, would like to use al-Qa'ida as a forward army.''

But the report released by the Intelligence Committee on Friday tells a different story. The report quotes the CIA's June 2002 assessment that ''our assessment of al-Qa'ida's ties to Iraq rests on a body of fragmented, conflicting reporting from sources of varying reliability.'' That same CIA report said that ''the ties between Saddam and bin Ladin appear much like those between rival intelligence services.''

The Intelligence Committee's report quotes a January 2003 prewar CIA assessment that ''Saddam Husayn and Usama bin Ladin are far from being natural partners;'' that Saddam has ''viewed Islamic extremists operating inside Iraq as a threat;'' and that ''the relationship between Saddam and bin Ladin appears to more closely resemble that of two independent actors trying to exploit each other.''

Those accurate prewar assessments didn't stop the administration from making many false and misleading statements trying to link Saddam Hussein and al-Qaida before the war. What is doubly shocking is that the false statements continue to this day.

Just last weekend, the Vice President said on ''Meet the Press'' that ''The evidence we also had at the time was that he [Saddam] had a relationship with al-Qaeda.''

And the Secretary of State told Fox News earlier this week that ''There were ties between Iraq and Al Qaida.''

Just read the Senate Intelligence Committee's bipartisan report. Those statements are simply not supported by the intelligence, prewar or postwar.

Three weeks ago, the President said in a press conference that Saddam Hussein ''had relations with Zarqawi'' the recently killed terrorist.

The Intelligence Committee's report demonstrates that statement to be flat out false. The committee report discloses, for the first time, the CIA's previously classified October 2005 assessment that Saddam's regime ''did not have a relationship, harbor, or turn a blind eye toward Zarqawi and his associates.''

But neither the CIA's assessment nor the committee's report has stopped the false statements. Just last Sunday, the Vice President said on ''Meet the Press'' that ''We know that Zarqawi . . . fled and went to Baghdad and set up operations in Baghdad in the spring of '02 and was there from then, basically, until basically the time we launched into Iraq.''

Just last weekend, the Secretary of State told CNN ''We know that Zarqawi ran a poisons network in Iraq. . . . So was Iraq involved with terror? Absolutely, Iraq was involved with terror.''

And just this week, Tony Snow, the White House spokesman said ''there was a relationship'' between Saddam and Zarqawi.

Don't they read the CIA's assessments? If they do and disagree, they should say so. Again, the CIA's October 2005 assessment said, flat out, Saddam's regime ''did not have a relationship, harbor, or turn a blind eye toward Zarqawi and his associates.''

There are many more misleading statements. In the fall of 2001, the Czech intelligence service provided the CIA with reporting based on a single source who stated that the lead 9/11 hijacker Mohammed Atta met with an Iraqi intelligence officer in Prague in April 2001.

On December 9, 2001, Vice President CHENEY was asked about the report on ''Meet the Press.'' The Vice President said, said that ''. . . it's been pretty well confirmed that the [9/11 hijacker Mohammed Atta] did go to Prague and he did meet with a senior official of the Iraqi intelligence service in Czechoslovakia last April, several months before the attack.''

On March 24, 2002, the Vice President told ''Meet the Press'' that ''We discovered, and it's since been public, the allegation that one of the lead hijackers, Mohammed Atta, had, in fact, met with Iraqi intelligence in Prague . . .''

But the Intelligence Committee's report declassifies, for the first time, a July 2002, a Defense Intelligence Agency paper that said ''Muhammad Atta reportedly was identified by an asset (not an officer) of the Czech [] service only after Atta's picture was widely circulated in the media after the attacks, approximately five months after the alleged meeting occurred'' and that ''there is no photographic, immigration or other documentary evidence indicating Atta was in the Czech Republic during the time frame of the meeting.''

Two months later, in September 2002, CIA published it's assessment that ''evidence casts doubt'' on the possibility that the meeting had occurred and that ''The CIA and FBI have reviewed the reporting available so far and are unable to confirm that Atta met al-Ani in Prague.''

None of those assessments stopped the Vice President from continuing to suggest that the report of the meeting was evidence that Saddam's regime was linked to the 9/11 attackers. On September 8, 2002, in a ''Meet the Press'' interview the Vice President said that the CIA considered the report of the meeting ''credible,'' although, again, that same month the CIA said that there was evidence that ''cast doubt'' on it having occurred.

In January 2003, still before the war, the CIA published an assessment stating that, ''A CIA and FBI review of intelligence and open-source reporting leads us to question the information provided by the Czech service source who claimed that Atta met al-Ani.'' The January 2003 paper stated that CIA was ''increasingly skeptical that Atta traveled to Prague in 2001 or met with IIS officer al-Ani'' and that ''the most reliable reporting to date casts doubt on this possibility.''

But the Vice President continued to be undeterred by the CIA's skepticism. In September of 2003, 8 months after the CIA said that the most reliable reporting cast doubt on the possibility of a meeting between Atta and the Iraqi intelligence officer, Vice President CHENEY was still citing it as having possibly occurred.

On January 19, 2004, a full year after the CIA expressed serious doubts about the meeting and the fact that not a shred of evidence had been found to support the claim of a meeting, the Vice President told the Rocky Mountain News that the Atta meeting was ''the one that possibly tied the two [Saddam and the 9–11 attackers] together to 9/11.''

Six months later, on June 17, 2004, the Vice President was asked whether Iraq was involved in 9/11. The Vice President said ''We don't know. . . . We had one report, this was the famous report on the Czech intelligence service, and we've never been able to confirm it or to knock it down. We just don't know.'' The Vice President may not have ''known'' but the intelligence community sure as heck didn't believe—for a long time before the Vice President's statement—that the meeting took place.

Now the Senate Intelligence Committee's report says that ''Postwar findings . . . confirm that no such meeting occurred.''

But just last Sunday, before a nationally televised audience, the Vice President was asked whether the meeting occurred. The Vice President replied ''We don't know.''

The Intelligence Community does know. The Senate Intelligence Committee knows. The bipartisan report we released last week says ''Postwar findings . . . confirm that no such meeting occurred.''

The intelligence assessments contained in the Intelligence Committee's unclassified report are an indictment of the administration's continuing misleading attempts to link Saddam Hussein to al-Qaida. Portions of the report which have been kept from public view provide some of the clearest evidence of this administration's false statements and distortions.

Among what remains classified, and therefore covered up, includes deeply disturbing information. Much of the information redacted from pages 96, 97, and 98 of the public report does not jeopardize any intelligence sources or methods. The continued classification of that entire portion of the report reeks of a coverup by the administration. The Senate should not go along. The public is entitled to the full picture. Unless this report is further declassified, they won't.●

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, Senator LEVIN would be here, but he is, to say the least, tied up in the Armed Services Committee. He has been working with others to get a bipartisan measure to the floor so we can deal with the detainee problem that was brought to a head by the Supreme Court in the Hamdan decision.

I do wish to say that Senator LEVIN, during Senator ROCKEFELLER's incapacity, was a real stalwart working with us. He kept Senator ROCKEFELLER informed at his home on a daily basis as to what was going on in that committee. We very much appreciate Senator LEVIN's efforts. He is really overworked. He had his responsibilities for Armed Services, but he filled in very well for the distinguished Senator from West Virginia. We are glad Senator ROCKEFELLER is back and in better shape than when he left. He is stronger than ever, and we are very fortunate to be able to work on this side of the aisle with these two wonderful Senators.

Mr. President, I ask unanimous consent, notwithstanding rule XXII, that amendment No. 5005, to declassify certain text of the Report of the Select Committee on Intelligence on Post-War Findings about Iraq's weapons of mass destruction program, still be in order.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, first, let me clarify, this is not classification——

Mr. REID. Mr. President, is there an objection or not?

The PRESIDING OFFICER. Does the Senator from Missouri object?

Mr. ROBERTS. I object.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. REID. Thank you, Mr. President.

Mr. President, I regret the decision of the majority. I really do. There will be ample time for my friend from Missouri to speak. I wish to speak for a few more minutes. No matter the issue or the costs to the American people, I am sorry to say, partisanship is the order of the day in this Republican Senate. On such an important matter as this, I had hoped we could set aside our partisan differences and work together. This is not the case.

Our amendment will not be adopted, but it is not we who will pay the price. The real consequences will be paid by this institution and the American people.

The Senate has lost and the American people have lost once again because the Republicans have chosen to rubberstamp a bad decision by the Bush White House. They have put the administration's political standing ahead of this body's constitutional obligation and their own political interests ahead of the Nation's interests.

Again, the American people have lost because, again, they have been denied an opportunity to fully understand the facts behind President Bush's rush to war in Iraq. The decision to keep this revealing information from the public represents an abuse of classification authority by the Intelligence Committee. They have shielded the White House at the expense of America's security.

More than 3 years into the war in Iraq—longer than it took in World War II in the European theater—the principal underpinnings of the administration's case for war have been undermined, if not obliterated, by events on the ground and Friday's Intelligence Committee report.

We learned long ago that Saddam did not possess weapons of mass destruction, that he did not have stockpiles of chemical weapons, that he did not have stockpiles of biological weapons, and that he did not have nuclear capabilities.

Further, we know definitely from the Intelligence Committee report on Friday that another administration claim—that Saddam Hussein had ties with al-Qaida—is totally and completely unfounded. Of course, that does not stop this administration from repeating this charge. This next chart shows exactly what I am talking about. Look at what has been said in recent weeks. And the colloquy between the distinguished whip and the ranking member of the Intelligence Committee certainly showed this and will show it again.

Here is what was said:

> [Saddam Hussein] had relations with Zarqawi.

President Bush said this in August of this year, late August of this year.

The Senate Intelligence Committee report:

> [T]he Regime did not have a relationship with, harbor, or turn a blind eye toward Zarqawi.

This did not stop the President from saying ''[Saddam Hussein] had relations with Zarqawi.'' This is not a truthful statement.

On September 10, just last Sunday, the Vice President said, on ''Meet The Press,'' at 10:30 in the morning—he was asked the question by Tim Russert, ''And the meeting with Atta did not occur?''—keep in mind, this is after the report was made public Friday, 2 days before this—and the Vice President said, ''We don't know.''

The Senate Intelligence Committee report says no such meeting occurred. It is against this backdrop that I offered the Reid-Rockefeller-Levin amendment. We have an administration that continues to misstate the record and prevent the public from getting additional information that will shed further light on their misstatements. And ''misstatements'' is an understatement. We have a Republican-controlled Congress that actively aids and abets the administration in these pursuits.

Mr. President, we need a new direction. For too long, this Republican Congress has put its own security ahead of the security of the American people. Today is a good example of that, and it is too bad for the American people.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I rise in very strong opposition to Senator REID's amendment. The amendment simply directs the release of three pages in the classified version of the committee's phase II report on the accuracy of prewar intelligence assessments. I just think this amendment is an irresponsible, very dangerous way to seek the release of classified information and would set a very dangerous precedent.

To my knowledge, this action is unprecedented—the full Senate considering a bill that has nothing to do with the subject matter that is now being discussed and for the Senate not to declassify the information but to simply release classified information. I can probably conjure up a lot of other different attempts to do this and put the full Senate in the position of trying to release classified information.

While we are at war, what the Democratic leader is proposing is that the Congress unilaterally release information that our intelligence professionals—not the administration—that our intelligence professionals have determined to be protected from disclosure. Again, to my knowledge, the Senate has never taken such a drastic step.

Now, the Democratic leader's amendment is not about port security. In fact, the amendment will do nothing to enhance our security. The Senate should not adopt a precedent that allows one Senator to release classified information for whatever purpose that he or she would deem fit or for their own purposes.

Before I proceed any further, however, I must take issue with the manner in which the committee action on the matter of declassification has been characterized. Senator REID claims that a bipartisan majority of the Intelligence Committee voted to include in the report a statement that the committee disagreed with the administration's decision—I will repeat, the administration's decision—to classify certain portions of the report's findings and conclusions and said that classifying of this information is without justification.

In actuality it was the intelligence community, not the administration, that made the decision to protect the sensitive information contained in those three pages. That decision was based on the community's judgment—their judgment—I know Senators ROCKEFELLER, REID, and others may disagree with the community—concerning sources and methods.

More important, the committee actually classified the declassification this way, and I am quoting from our report:

> The committee recognizes that classification decisions are often difficult, requiring a careful balancing of our responsibility to protect the national security sources and methods with the need for the appropriate transparency of the intelligence activities.

That says it, and it is a very difficult task that one faces when you are approaching that kind of a challenge. Overall, the declassification process on this report—and I am quoting again—''was a substantial improvement over past efforts.''

That is what the committee said. I know that doesn't include the three pages that the Democratic leader, Senator ROCKEFELLER, and others would like to have released. It would still be classified, but it would be released in a bill that has nothing to do with intelligence matters. It is important to understand that this was a broad, bipartisan statement relating to a number of issues. Several Senators, many Senators, this Senator, had things they would have liked to have seen declassified. I worked overtime with the intelligence community in regard to the section on the Iraqi National Congress, to make sure that all of that report was in, all of the nuances and history would be declassified. Did I get everything I wanted? No, but I got a large portion of it.

The committee, however, made no specific reference to the issue that Senator REID brought to the floor today. There was that generic statement that I just said earlier. I am very familiar with the material that the Senator seeks to publicly release. I agree with the Intelligence Community that this material does contain sensitive information that would damage our intelligence sources and methods. I believe it is properly classified. I supported the report's statement that there are certain portions of the report that I believe should have been declassified. This is not one of them.

The information the Democratic leader wants to release is very sensitive. Mr. President, it is CIA operational traffic between an undercover overseas field station and CIA headquarters. This type of correspondence exists to permit the rapid informal flow of information and operational guidance needed to execute the mission of the CIA. It is not formal intelligence reporting. It is not a finished intelligence assessment drafted and coordinated to support policymakers, as has been indicated, and it is not routinely available or needed by anyone outside of the CIA. It must be handled with care.

Now, the next question, obviously, is why? Because the release of unevaluated information and CIA operational traffic would potentially damage the relationships with foreign country security services that work closely with the CIA. These foreign services do so with the expectation that their words and their actions will remain confidential. Additionally, declassification and public release of such correspondence would certainly impinge upon the speed and frankness that marks this correspondence. CIA's effectiveness is reduced when this happens.

For these reasons, and others that cannot be discussed publicly, this information should not be released. In short, this amendment would damage our sensitive sources and methods by recklessly disclosing properly classified information—again, not by the administration but by the intelligence community.

There is another way to do this. It is the proper way. A number of Members on both sides of the aisle, including this Senator, have issues concerning the declassification of these reports. They have agreed to work with the National Archives Public Interest Declassification Board, which is the proper way to do it, to review and, hopefully, further declassify some of the remaining redacted portions. This review process will look at all of the information that remains classified, not just the information singled out in Senator REID's amendment. I think this is a much more responsible approach.

I hope my colleagues will proceed in that manner. That is how we intend to proceed in the Intelligence Committee in regard to classification and declassification. I oppose this amendment, and I urge my colleagues to do the same.

I yield the floor.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ROBERTS. I have yielded the floor, but I will answer the Senator's question.

Mr. DURBIN. I ask the Senator because I am not on the committee, the Senate Intelligence Committee released a report last week, and he stands by the findings—at least the majority section. I asked the question of my Democratic colleague, Senator ROCKEFELLER, which I would ask of you. In that Senate Intelligence Committee report relative to the alleged meeting in Prague involving Mohammad Atta, the Senate Select Committee on Intelligence report says that

no such meeting occurred. I would like to ask the Senator from Kansas this: When the Vice President was asked on Sunday on ''Meet the Press'' by Mr. Russert the following question: ''And the meeting with Atta did not occur?'' he replied, ''We don't know,'' is that statement by the Vice President consistent with the report that you signed and issued to the public on the previous Friday?

Mr. ROBERTS. Mr. President, responding to the Senator from Illinois, that is a hypothetical. I did not watch ''Meet the Press.'' I have not studied the Vice President's comments other than what the Senator has said. My name is not Tony Snow.

I yield the floor.

Mr. ROCKEFELLER. Will the chairman yield for another question?

Mr. ROBERTS. Yes, I certainly yield to my friend and colleague.

Mr. ROCKEFELLER. Thank you very much. I am sure that the Senator is aware, having talked about the importance of the operational cables, the foreign service, and all these kinds of things that there are in our report—or in the report there are at least 30 specific references to operational cables. I am looking at page 31 of the prewar assessment part. CIA operational table, December 2002, the INC part. And there are two on page 68—two CIA cable references that are declassified. Is the Senator aware of that, that we have done this 30 times at least in our report?

Mr. ROBERTS. It is my understanding that the operational cables and the INC reports are two separate reports.

Mr. ROCKEFELLER. That is correct. But there are 30 in various parts of this that are operational cables specifically referred to, which are——

Mr. ROBERTS. Basically, the decision is made by General Hayden in a letter I would be delighted to read on the floor of the Senate, except that it is classified. He goes down specifically, exactly the comments I have made in a very generic way as to why he didn't declassify them. One report is INC and one is on the accuracy of the prewar assessments regarding weapons of mass destruction. I don't understand the point.

By the way, the general indicated that he will provide us a letter that is not classified outlining why the CIA Director feels very strongly that this should not be released.

Mr. ROCKEFELLER. What the CIA Director reportedly is saying, and the chairman of the full committee indicates, is that operational cables cannot be identified publicly. I am saying that they are identified 30 times in our two reports.

I direct my colleagues' attention to these 30 specific examples from the committee's two reports found on page 31 of the report on Post War Findings and pages 41, 43, 67, 68, 69, 70, 72, 76, 77, 78, 80, 82, 86, 87, 104, and 107 of the INC report.

Mr. ROBERTS. Mr. President, let me say to my friend from West Virginia, however, if I might, and my friend from Illinois, I don't speak for the Vice President. I ask the Senator to address that question to the Vice President. It is the information in the cable which is classified, not the format. I think the distinguished vice chairman is talking about the format in another report as opposed to the report that Senator REID quoted from, and it is that information—the cable which is classified, again, by the intelligence community. The Senator knows how hard we have both worked to get both reports declassified, to the extent that the American people could at least know what is going on and let the chips fall where they may. That does not include, however, a decision when the DNI and the Director of Central Intelligence insist that basically the information in the cable is classified.

I suppose that in future debates on any bill—and it could be port security or the farm bill or any bill that really doesn't pertain to intelligence—somebody can say, you know, I think there is a portion of some intelligence report, or any intelligence, that ought to be released even though it is classified. If we start doing this, if we go down the slippery slope with regard to having this body in executive session or otherwise decide to release classified information, we may as well replace ''E pluribus unum'' up there with the New York Times. It is a dangerous precedent.

There is a way to do that. We have a committee set up to go to the review board to see if we can get the most declassification possible. I agree with the Senator that too much is classified. That is a given. In this particular case, I think you have to rely on—or you should rely on the CIA Director and the Director of National Intelligence who say we are going to lose allied support.

The Senator knows that every week we get a courtesy call from various people who come in and who are our counterparts representing other countries. The bottom line is: Why can't you Americans keep quiet? So, consequently, I think that has an aspect of this. That has entered into, I think, part of the DNI's involvement here and decisionmaking, as well as the CIA Director's involvement. It is a canard of the first order to say it was the administration. It is not. It is the people who work with this every day.

Mr. ROCKEFELLER. I say to the chairman of the full committee, is the Senator aware that on page 31, the prewar assessment part of the report, there is a reference at the bottom, as I indicated, to the CIA operational cable of December 20, 2002. The Senator indicated the substance is not included, but I will read from the report:

> In addition, the Committee is examining the facts surrounding a December 20, 2002, cable from the relevant CIA station [this is all available to the American public today] which transmitted comments from a letter to the DCI and a discussion with the Chief of Station from the head of the foreign intelligence service that handled CURVE BALL. The cable noted that the head of the foreign intelligence service intelligence said experts from a number of foreign intelligence services had analyzed the CURVE BALL information and believed ''the information was plausible''—et cetera, et cetera.

In other words, the content is right here.

Mr. ROBERTS. Mr. President, I would just simply say to my distinguished friend and colleague, and to let everybody know who is listening to this debate, it is an interesting debate; it is a unique debate. It sets a precedent that I don't agree with. But simply because we are having this discussion doesn't mean we are not friends and colleagues and trying our very best to do a job under very difficult circumstances. But we do defer—or at least I think we should defer—to the intelligence professionals here who work with this material. If they make a mistake, we are all over them.

So we are at war. Let's let the Public Interest Declassification Board take a look at these reports. That was the suggestion by Senator WYDEN, picked up by Senator BOND, endorsed by myself and I think by the Senator from West Virginia. That is the proper way to go about it, not in this format, when we don't even have a bill that pertains to this and where we are setting a precedent where all of a sudden somebody can say: Oh, I think we should release even though it is classified.

Once we start down that road, I would say to my dear friend, we will never hear the end of it. We will have everything else declassified. We could conceivably, with all the furor in regards to the ABC documentary over the handling of 9/11, get into reports and get into Presidential findings and everything else. I just don't think that is appropriate. So there is a way to do it. Let's do it the proper way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I want to join in support of the chairman of the committee. It is important to realize this was not classified after the fact. This was classified information.

Now, we cannot say on the floor why this must remain classified. There are good and sufficient reasons for this, unlike some of the other cables which have been cited by the distinguished vice chairman of the committee, why this one should not be released.

We are witnessing something here that is very, very disturbing. The minority leader said that partisanship is the order of the day because we have objected to this unwarranted effort to misuse and abuse the intelligence process to score political points. This approach, regrettably, is something that has been used going back to 2003 when the Democratic staff in the Intelligence Committee laid out a partisan political game plan to use intelligence to try to beat President Bush and Vice

President CHENEY in 2004. They laid out a game plan and they stayed on it. They stayed on it through phase I. Phase I took 2 full years during which we exhaustively examined all of the documents, interviewed anybody that might have information on whether there was an intentional misleading or misrepresentation or pressure to change the estimates of the intelligence analysts and thwart the process.

We reviewed that process exhaustively. At the end of it, our bipartisan conclusion was there was no evidence of any pressure to change findings of the Intelligence Committee; there was no effort to mislead or misuse the information of the intelligence analysts or the intelligence estimates.

Regrettably, our Democratic colleagues were not satisfied with that. They wanted to continue the battle. So we initiated a second backward look into history that I think was a tremendous waste of time—phase II—to go back and say: Well, maybe we missed something. We are going to go back and look at the intelligence prior to the commencement of Operation Iraqi Freedom and see if we can't find some misstatement, some misstep by the administration.

Well, President Bush is not running again. I don't know whether they want to try to impeach him or whether they just want to try to score points in the 2006 election campaign. But whichever thing they are doing, it is a blatant partisan effort to take what should be the bipartisan, even nonpartisan, Intelligence Committee and drag it through the political mire of name-calling and rock-throwing.

I think it is time for us to hit the baloney button on this and say: We have wasted now 2 more years in the Intelligence Committee going back and trying to defeat or impeach President Bush, and we have not been successful.

Let me mention something about this. All of this hype is about things that were added—much of it is about things that were added as comments to one of the two reports that we reported out of the Intelligence Committee. The Democrats chose to make extraneous allegations now that will be considered in a later report that is yet to be finalized by the committee, to look into statements made by administration officials and Members of Congress, to see whether they were inaccurate or if there was a misuse of the intelligence estimates that were available at the time. I have looked at them and I have seen some significant overstepping in statements that were made. Regrettably, those statements primarily came from Members of Congress, some on the other side of the aisle, who went too far. They went beyond what the intelligence estimates said.

Now, we have focused in this process on what the final intelligence estimates were. There are thousands—perhaps hundreds of thousands—at least tens of thousands of operational cables. They bring in different points of view. There are 16 different intelligence agencies that may have points of view. Do those all come to the policymakers? Of course not. The intelligence community is responsible for coming up with a National Intelligence Estimate, a community assessment that goes to the policymakers, whether that is the President, the Vice President, or this body. We get the final product.

Now, any time you want to, you can go back and look at all kinds of operational cables. You can find cables at any one time saying it is daytime and others say it is night, a third one saying it is dusk, and a fourth one saying it is dawn. But that is not what is given to the policymakers.

We ask the Intelligence Committee to use their best judgment. And as far as this cable, which has been properly classified—and we will not go into why it is properly classified—this cable was one communication to the headquarters, and it was not the only one. There were many, many more.

Looking back on it, we have a much better idea of what went on. But the whole purpose of this, the whole purpose of our Democratic colleagues in phase II, was to find grounds to defeat President Bush in 2004 or perhaps impeach him in 2006 or maybe in 2007. Well, we have been looking in the rearview mirror far too long. We have been looking backwards. We spent 2 full years, the staff of the Intelligence Committee spent hundreds of hours, reviewed tens of thousands of documents, over 1,000 interviews, and they found that there was no misuse, no abuse of the intelligence process, no pressure on the analysts.

So we have a lot of things that we ought to be doing. We have a lot of work in the Intelligence Committee because we have to implement the recommendations of the 9/11 Commission. One of the key recommendations concerning intelligence in the 9/11 Commission report was to set up a national security post in the Department of Justice to coordinate between the FBI and the CIA. Regrettably, our colleagues on the other side of the aisle are holding up the appointment of the man who is supposed to fill that position to ensure that there is good information and good exchanges of information between the FBI as a law enforcement body and the intelligence agencies. And we have a lot of other things to do because there are still problems that we have to work out in the new structure of the Director of National Intelligence.

I have been asking plaintively why we cannot look at the continuing threats, do oversight and deal with some of the questions and problems we have. The answer is we have to complete phase II, and phase II has had, again, hundreds and hundreds of hours of work by our staff, work that could have been used on other points. Regrettably, what we are hearing on the floor and what we are seeing in some of the reports coming out of the Intelligence Committee is an effort to politicize intelligence. I deeply regret the fact that so much of this has been misquoted in the report issued, the largely Democratic report issued from the intelligence community. There was a tremendous amount of cherry-picking of selected pieces of information that did not come from the National Intelligence Estimates, to say that statements by some administration officials were not based on sound evidence.

We have learned a lot. We have learned a lot since we went into Iraq. We learned that our intelligence wasn't good, state-craft and trade-craft were not properly executed. Where there were dissenting views, those dissenting views were not conveyed up the line to the policymakers. That was us and that was the administration. And we are trying to change that. We are trying to make sure that dissenting views are explored, that policymakers know if there is a division.

Now, looking back with hindsight, we could say that many of the statements made here on the floor and made by the administration were not accurate. The question is, Were they based on the best National Intelligence Estimates at the time? We found out in phase I that they were.

The effort to do more declassification is very important. The chairman of the committee, Senator ROBERTS, Senator WYDEN and I and the vice chairman have asked the Public Interest Declassification Board and the National Archives to look at and investigate what has been classified to see if more of it could be declassified. Because I, as most of my colleagues, want to have as much that is not sensitive or revealing sources and methods to be disclosed, so we can evaluate where we stand. But for this one, I understand full well the reason it is classified, and I am not going to say why. But when we disclose intelligence, we risk sources. Unfortunately, when we prosecuted the 1993 World Trade Center bombers, the prosecution had to turn over a list of 260 names of potential suspects. They turned it over in that court proceeding and, subsequently, several years later in a raid in an African nation they found in the al-Qaida playbook the names of all these people. When we disclose who we are talking to, their names get disclosed. And regrettably, some of them have been murdered. But it is not just the individual source who is at risk.

We have repeatedly chipped away at the confidence of our allies to work with us in the war on terror by disclosing sources and methods over the years. Friendly services are saying—and CIA leaders have told me directly—that our allies in the field are rethinking if and to what extent they can work with us because the Americans cannot keep a secret. This effort to declassify operational traffic involving overseas entities could devastate the confidence of our allies in cooperating

with American intelligence and obliterate the confidence of American intelligence officials in the United States Congress, who will be taking their discrete communications among themselves and broadcasting it to the entire world.

I can't think right now of a single more devastating action that will reverse what we have been trying to fix in the U.S. intelligence community than this, to say that if you share anything within the intelligence community or even with the Intelligence Committee, it is going to get out. People don't want to share the most sensitive intelligence when it could get out and not only disclose the information, but put at risk the sources and methods by which it is being obtained.

For that reason, I regret that the minority leader has attempted to make a partisan battle out of something that did not have to do with the National Intelligence Estimate. It was not a final product of the Intelligence Committee. Therefore, it had no place in the effort to determine what kind of information got to the top policymakers in the administration.

There were lots of conflicting pieces of information going through the chain. What we properly looked at was how those were handled and what they gave to policymakers. There is no evidence, no evidence, none, zero, zip, none—that this evidence was ever shared with the top policymakers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I had the honor to serve on the Senate intelligence subcommittee for 4 years. It is an awesome assignment. That committee can suck up more time from a Senator's schedule than any other assignment I can think of. I easily spent half of my time in committee in the Senate Intelligence Committee room, and I am almost certain that I didn't attend half of their meetings. There were so many meetings. The information is voluminous. It is cloaked in initials and references which take the longest time to understand. I will honestly tell you by the end of my 4 years I had come to understand more and more about the intelligence community and come to understand more and more about what to look for and listen for. So my hat is off to all of my colleagues in the Senate, Democrat and Republican, who serve on this committee. It is a massive assignment, and they have a massive responsibility—to measure the efficacy of our intelligence operations as well as their reports.

I can't think of another committee in Congress—I might say the Armed Services Committee is close—that has such an awesome responsibility. I want to preface my remarks by saluting all of the members of the Intelligence Committee for giving their time to this effort.

But I will tell you, there is no more frustrating assignment in Congress either because you will sit there for hour after weary hour, day after weary day, week after week, and month after month listening to all of this information, being sworn not to repeat a word of it—imagine. The only questions you can ask are in the room. The only statements you can make are in the room. It is classified information. We wouldn't want to risk the life of a single American or ally or someone helping our cause, so we are extra careful.

I lived through this as we made the momentous and historic decision 4 years ago to go to war in Iraq. After sitting there for months, listening to the experts within the Bush administration talk about what they knew about Iraq, I drew my own conclusions from what they said. And I would walk outside that committee room stunned to hear the public statements that were being made in direct contradiction.

Elected officials and appointed officials in this administration were saying things about Iraq and its threat to the United States which were inconsistent with the information being given to us in the Senate Intelligence Committee. Yet, being sworn to secrecy, I could not say a word. It was a frustrating situation.

I reached the conclusion that the information within the room was more compelling than the headlines outside the room. I joined 22 of my colleagues in the Senate in voting against the authorization to go to war. And our subsequent investigation found that those inside the room knew a lot more than the politicians outside the room because we found no weapons of mass destruction, we found no nuclear weapons, we found no connection between al-Qaida the terrorist group responsible for 9/11—and Saddam Hussein. We found no evidence to support the notion that somehow nuclear materials were coming in from Africa to Iraq.

Despite statements made by the President in the State of the Union Address, none of that was found. So we knew, after our invasion, after careful investigation, that the statements made to the American people were wrong. The American people were misled. The American people were deceived. So the Senate Intelligence Committee set out to try to get to the bottom of it.

The first phase of its investigation was to find out what happened at the intelligence agencies. If they had conflicting information, how did this occur? I happened to be on the committee when this report was made. It was an important disclosure that, in fact, our intelligence agencies had let us down. Their information was not reliable, was not sound, and many times misled a lot of people. That is a fact.

But phase II of this investigation by the Senate Intelligence Committee was going to really talk about whether these public disclosures were made and whether they, in fact, misled the American people. It took almost 2½ years for that to be prepared, 2½ years, despite repeated promises by the chairman of the Senate Intelligence Committee that it would be a priority item and be taken care of. It is unfortunate that it took so long. It is unfortunate that the Democratic leader, Senator REID of Nevada, had to threaten a closed session of the Senate to force this issue, to finally come up with the phase II report.

But it is a good thing he did because the phase II report, which was publicized last week for all of America, in unclassified form, in public form, made it clear. The report concluded the administration relied on known fabricators and liars, including the infamous Ahmed Chalabi and his Iraqi National Congress to justify the war. Chalabi and others fed the administration consistently false information about Iraqi weapons of mass destruction and nuclear weapons.

Members of the intelligence community had warned that this Ahmed Chalabi, the darling of many people in this administration, was, in fact, a fraud. Despite this, despite this fact, this man was invited to sit in an honored place at the President's State of the Union Address.

He was unreliable. His organization was not only not trustworthy, it was penetrated by the Iranians, who sadly do not share many, if any, of our values.

But the administration still eagerly embraced this source, this unreliable, untrustworthy source. Some of the information that he gave found its way into one of the most important documents our Government issues, the National Intelligence Estimate on Iraq. That is a compilation of all the gathered intelligence from all the different reliable sources of our Government and other places, to try to have an accurate picture of the situation before a military invasion, before we risk the first American life. And the lies and fabrications and distortions of this man were part of that National Intelligence Estimate.

In fact, some of his testimony found its way into statements made by our former Secretary of State Colin Powell before the United Nations to try to justify to the world our invasion. That presentation marked a low point in what I consider an otherwise highly distinguished career of service by General Powell.

The committee report which we saw last week spells out the misinformation from Chalabi and others that was used to justify the war. It shows clearly there was no connection, none, between Saddam Hussein and al-Qaida. That is now a bipartisan conclusion. It is published. It has been verified from intelligence sources. The debate over that question should now officially end.

Mr. BOND. Mr. President, could I ask the distinguished Senator from Illinois a question? On what page is there a bipartisan statement that there was no connection between al-Qaida and Iraq?

Mr. DURBIN. I will get the page reference and give it to you in a moment.

Mr. BOND. Because we also found in there a reference that there was a meeting and two contacts.

Mr. DURBIN. Mr. President, if I might? I do control the time?

The ACTING PRESIDENT pro tempore. The Senator controls the time.

Mr. DURBIN. I will get the page reference for the Senator. I would like to continue my remarks, if I may.

The bipartisan Senate Intelligence Committee reached these conclusions but this report, especially the public version, doesn't go as far as it might. As the vice chairman, the distinguished Senator from West Virginia, and other colleagues wrote in their additional views:

> The committee's phase II investigation has been significantly limited by the majority's refusal to examine issues and documents relevant to our inquiry when the issues and documents came close to the White House.

The point that is being made today, and has been debated back and forth, is how much of this document that has not been released to the public, should be released.

As you can see, several pages, many pages, are blacked out. Information is blacked out. The official word is ''redacted.'' So this debate has gone back and forth about how much should have been redacted, how much should have been released. I will not get into the specifics because I wouldn't want to disclose anything that I should not. But I will say the Senator from Nevada asked by his motion, his amendment, that we consider opening at least one or two pages of this report that reflect directly on statements made by the Bush administration.

The other side, Senator BOND and others, have suggested that we should not ask these questions, that we are looking in the rearview mirror about things that happened a long time ago.

I view this quite a bit differently than my colleague from Missouri. What we are talking about are statements and justifications made by this administration to justify the invasion of a country, to justify a war. I believe the greatest breach of trust in a democracy is when the leaders mislead the people, and the worst of these is when the people are misled into a war. I can think of nothing worse.

To ask specific questions about the nature of how we were misled into this war is certainly not ancient history, unworthy of comment or review. It goes to the heart of who we are and what we are as a democracy.

So many of us listened, startled by statements made by Vice President CHENEY on ''Meet The Press'' last Sunday. Scarcely 2 days after the report of the Senate Select Committee on Intelligence, Vice President CHENEY and other members of the administration made statements directly contradicted by the Senate Select Committee on Intelligence report that had just been released. Let me be specific.

First, if I could, the chart with the ''Meet the Press'' show, Mr. Russert asked the Vice President, '' . . . and the meeting with Atta did not occur?''

Vice President CHENEY said, ''We don't know.''

This was an important meeting. It was a meeting that was suggested had occurred by the Vice President and others involving Mohamed Atta, the leader of the 19 who were responsible for the attack on September 11, a meeting which supposedly occurred in Prague. Mr. Russert is asking: Did it or did it not occur?

Vice President CHENEY says, ''We don't know.'' He said that as of last Sunday.

The Senate Select Committee on Intelligence report says, ''No such meeting occurred.''

That is not the only reference. Secretary of State Condoleezza Rice, ''CNN Late Edition,'' same day, said:

> We know that Zarqawi . . . ran a poisonous network in Iraq.

The Senate Intelligence Committee report says the following, ''the regime''—in Iraq—''did not have a relationship with, harbor, or turn a blind eye towards Zarqawi.''

Then, just yesterday or the day before, September 12, Tony Snow the President's Press Secretary, said ''there was a relationship between Saddam and Zarqawi,'' directly contradicting this report.

This, sadly, is a pattern which is unacceptable. For the leaders in this administration—the Vice President, the Secretary of State, and the President's Press Secretary—to continue to mislead the American people about facts they now know are not true is unacceptable. If we are going to move forward in this country effectively, on a bipartisan basis, it has to be based on truth and honesty. As members of this administration continue to misrepresent the justification for the war on Iraq and the circumstances in Iraq, is it any wonder that a majority of the American people are now raising serious questions about their competence and judgment when it comes to these important foreign policy decisions? That is the reason for this moment on the floor today, this time that we have taken from the business of the Senate, because it really goes to the heart of the issue here. It goes to the heart of the issue which the American people are consumed with as they realize that 2,679 of our brave soldiers have now died in Iraq and 19,000 are seriously injured.

This morning, Senator OBAMA and I had a town meeting. We do each Thursday morning here. And one of those soldiers, blinded and severely injured in Iraq, came to visit with us. He was there with his wonderful and brave wife who stood by his side, and other soldiers, doing his best to get back on his feet and put his life back together.

That is what this debate is about. This isn't a waste of time over politics. It is a question about the foreign policy of this Nation, the protection of this Nation, and most importantly whether it is time to move in a new direction.

The Vice President of the United States said in the course of his appearance on ''Meet the Press'' when he was asked about the invasion of Iraq:

> It was the right thing to do, and if we had to do it over again we would do exactly the same thing.

Clearly, no lessons have been learned by this administration because we sent too few troops into a situation which was not clearly planned nor clearly explained to the American people. We sent them without the necessary equipment they needed to protect themselves. We shortchanged them in terms of the number of forces, equipment, and training they needed—and lives were lost.

We now know, as well, that the justification for the war did not turn out to be true. There were no weapons of mass destruction, and we are there with 145,000 of our soldiers and marines risking their lives for America, even as we stand in the safety of this country today.

I might say to the Senator from Missouri that I have just been handed by my staff a reference which he might want to consider: page 63 of the report which he signed. Page 63 said Saddam has ''viewed Islamic extremists operating inside of Iraq as a threat.''

That statement is inconsistent with the conspiracy theory heard through some media channels that somehow Saddam Hussein and al-Qaida were in concert working toward the devastation which occurred on 9/11.

I would suggest that there is more which I could go into and don't have the time at this moment. But the report makes it clear—and most everyone who has taken an objective view of this makes it clear—that to continue to suggest this relationship with al-Qaida is just plain wrong.

I am going to conclude because I think this is an important debate and one which should continue. It is one that continues in households across America, not just in the homes of families of soldiers, those anxious parents and loved ones praying for the safety of our men and women in uniform, but also in every other home across America that truly wants to be safe and wants to make sure that our men and women in uniform are protected, that we do everything in our power to make this a safe nation.

We have offered amendments on the Senate floor to put the 9/11 recommendations into law so we will be safe at home. Sadly, they were rejected on partisan rollcall. But I can only hope that soon we will return to the bipartisan spirit of 5 years ago when we worked together. It would be in the best interests of our country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Illinois for calling my attention to page 63. I don't see the information there. It does, on page 65, talk about George Tenet saying the intelligence indicates that the two sides at various points discussed safe haven, training, and reciprocal nonaggression. And in the report there are three instances of contact cited between al-Qaida and the Iraqi Government.

I also would just follow up on my statement that some of us in this body were misled by the inaccurate intelligence estimates presented to us by the community. For example, I see this classic statement:

When you look at what Saddam Hussein has had at his disposal in terms of chemical, biological and perhaps even nuclear weapons, we cannot ignore the threat that he poses to the region and the fact that he has fomented terrorism throughout his reign.

That was from Senator DICK DURBIN on ''CNN Larry King Live,'' on December 21, 2001.

But I think we want to get back to the port security bill. I have been asked by Leader FRIST to pass along from a letter just received from CIA Director GEN Michael Hayden.

General Hayden said:

The amendment offered by Senator REID, seeks to declassify and make public CIA internal communications that include personal commentary and judgment. We hold these kinds of cables to the highest standard of secrecy within our organization, and would only share them outside of CIA under certain specific conditions.

I provided this information over the objection of many of my officers, after receiving assurances from the Chairman that it would be treated as highly sensitive material. That is why I am so disappointed that this amendment is being considered at this time. In addition, I am deeply disappointed that some have already characterized the cable's contents in the media.

He also talks about the information coming in from Chiefs of Station.

He said:

No COS has ever written one of these cables expecting it to be made public, and no COS will use his channel again without fearing it will become public, if Congress demands declassification.

He also said:

Further . . . it contains pre-decisional executive branch information.

Finally, he said:

Lastly, a critical way in which our Nation gathers intelligence is with the support of our liaison partners. If these partners fear that their support for CIA activities will be made public, it will make them reluctant to cooperate with my agency. This will, I assure you, curtail the intelligence made available to the CIA and could create gaps in the final intelligence made available to policymakers. I ask your help in defeating this effort in the Senate, and for your help in protecting both CIA's sources and methods as well as our ability to work cooperatively with the Oversight Committees.

I yield the floor.

The ACT1NG PRESIDENT pro tempore. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to discuss the Port Security Act of 2006, the underlying bill we are discussing in the Senate here this afternoon.

I want to start by commending the steadfast dedication of my colleague, Senator MURRAY, from the State of Washington, and Senator COLLINS for their hard work in moving this legislation through the Senate, and certainly Senator STEVENS and INOUYE for their leadership on this issue.

I want to say that Senator MURRAY has done great work both here in Washington, DC, and at home in the State of Washington to close security gaps. And I have enjoyed working with her to make sure that our ports in Washington State are more secure.

Port security ought not to be an afterthought or an extra security measure when we are talking about securing our borders or securing our communities. It should be one of our key priorities. Washington State knows how critical these ports are to our economy and to our way of life. There are ports all along our shore lines from Seattle to Vancouver, Bellingham, and other cities. They create jobs. They drive economic growth for the entire northwest. And in the Seattle-Tacoma area, the ports are the third-busiest in the Nation, with over 11,000 containers passing through Seattle and Tacoma daily.

That's more than 4 million containers a year. That is more than 100,000 workers in the Puget Sound area including longshoremen and freight forwarders and others who depend on the ports of Seattle and Tacoma for their jobs. And certainly they want to see them safe and secure. Last year the ports of Seattle and Tacoma combined to move more than $45 billion in revenue from imports and $12 billion in U.S. exports. But these are not just the homes—these ports—to international trade.

Puget Sound is also the home to America's largest ferry transportation system, with more than 26 million passengers and 11 million vehicles traveling throughout Puget Sound and to and from British Colombia. Despite these numbers of trade and economic development and of passenger movement and cargo container movement, there are still clear vulnerabilities.

For too long, too little has been done, I believe, to protect our ports and to improve the protections on our ferries. This bill will take a step forward on both of those issues. Right now we are inspecting the contents of less than 3 percent of the more than 6 million containers entering our country each year. Most of this inspection occurs after the container is off loaded and sitting on the docks of a U.S. port. The reality is that by then it is too late. And so working on point-of-origin issues is very important as my colleagues, Senators MURRAY and COLLINS understand.

The Permanent Subcommittee on Investigations, which Senators COLEMAN and LEVIN lead, issued a report in March that stated we are only inspecting 0.34 percent of all containers destined for the United States overseas and of those that were considered high-risk containers, we are only inspecting about 17.5 percent.

Given this low inspection rate, it is really no surprise that each year we find illegal immigrants stowed away on cargo containers destined for the United States. This spring, 22 Chinese stowaways were apprehended at the Port of Seattle. So if illegal immigrants know that they have a good shot at entering the United States in cargo containers because of our failure to inspect the contents, it ought to be no great leap of imagination to expect that terrorist organizations might also have the same idea. In fact, the C.I.A. has reported that a weapon of mass destruction is most likely to be delivered in the United States by a cargo container entering a seaport. But the problems extend beyond our failure to inspect cargo.

We have no standards for container locks and seals. We have inadequate funding for critical research and development of screening technology. We have no international security standard for conducting terror and background checks on port workers. That is why, again, the point-of-origin issue and working internationally is so important.

The accuracy of cargo manifest information submitted to customs is also a major problem, especially when we're using this information as part of a system—the Automated Targeting System or ATS—to identify high-risk cargo. We recently, at the Port of Seattle had this made clear to us. That is when in August, Customs identified two suspicious containers and set them aside for inspection. They thought that there were things contained in there that bomb-sniffing dogs detected were explosives. Thankfully for us in the Puget Sound area, it was a false alarm.

But it made all too clear the potential for disasters at our ports with today's standards. With the high risk of terrorists placing weapons of mass destruction in containers during transit, we need to begin securing container doors with tamper-proof locks and seals, instead of what we are doing today, which sometimes can often be just a 10-cent zip lock or the equivalent.

Many containers are filled with cargo from more than one source, which also makes this transfer and tracking challenging. In fact, during a hearing before the Senate Finance Committee, the CEO of the Port of Seattle, Mic Dinsmore, put it this way—quote—''as ships make its way to the U.S., it might well stop at several other ports. Throughout this process, at least seven different handlers may have access to the containers before it even arrives in the United States. Every stage in the supply change creates additional hurdles for monitoring this cargo.''

That's why we need to make improvements as this legislation does, to

improve the systems that hold the shippers accountable for accurate information like is required under the Customs-Trade Partnership Against Terrorism. C-TPAT is a good start. But as has been reported, there is more to be done, particularly validating the participants of this program. Senator MURRAY has been a leader in this area in working with Operation Safe Commerce, a program to identify ways to better secure the supply chain, including cargo containers. But these threats are real, and we can't wait any longer.

This legislation makes important critical improvements to the current regime. It authorizes $400 million for port security grants and it makes improvements to the Container Security Initiative, a program that is important right now for inspecting cargo, as I said, at the point of origin; and with the Customs-Trade Partnership Against Terrorism program, the public-private initiative that secures that supply chain.

This legislation directs the department to establish minimum standards for container security, and it authorizes the Department of Homeland Security to accelerate the deployment of radiation detection equipment. It also authorizes the testing of systems to improve scanning of containers overseas. To make this possible, I was proud to cosponsor this legislation earlier this summer in directing the Department of Homeland Security to conduct a pilot program where we have seen at the Port of Hong Kong good result from this technology that I think will help us move closer to our goal for 100 percent container inspection.

Now, this pilot program is just initiated at three foreign ports, and we will need to work hard at expanding it. This underlying bill also includes language to us in improving the screening for our ferry systems in Washington state, particularly those coming into the United States from Canada. Right now some ferry runs from Canada aren't being screened for explosives before departing for the United States. In an F.B.I. Report in 2004, the National Threat Assessment named vehicle-borne explosives as the type of weapon that al-Qaida would most likely use for a maritime attack. The lack of explosives screening not just impacts the passengers on board the ferries, but those communities and coastal regions where this ferry transportation exists. That's why this inclusion in the underlying bill is so important for us in the northwest.

To build on many of the other critical provisions in this bill, there are two amendments that I offered that were included. The first would improve inspection of foreign ports, the point of origin for cargo entering the United States. The U.S. has an obligation to ensure that our international strict security standards and a way to enforce them.

We're only going to be as safe as the inspection process that our foreign partners implement. The Coast Guard is authorized under the Maritime Transportation Security Act to conduct inspections of foreign countries and their ports to validate their compliance with the International Ship and Port Facility Security code, ISPS.

Currently the Coast Guard only has 34 inspectors as part of the agency's international port security program to review the more than 140 countries that are shipping cargo to the United States. To date the Coast Guard has only been able to inspect ports in about 59 out of those 140 countries. We need to reinforce this relationship. We need to maintain a standard with these foreign governments, these ports, these private sector entities to ensure that we have adequate intelligence and security measures and that they are in place before these ships heave and are destined for the United States. That is why I am proud to sponsor an amendment with Senator SNOWE, the chairwoman of the Coast Guard Subcommittee that would authorize the Coast Guard to add additional personnel to complete the inspection of foreign ports by the end of 2008 and maintain a 2-year cycle for reinspection. Currently the Coast Guard maintains a reinspection cycle about every 4 to 5 years, so this basic step, I believe, is critical to gathering adequate information—gathering adequate information about cargo entering the United States before it reaches our ports. It also helps us identify countries who are not compliant with International standards and helps us identify those high-risk vessels and cargoes. But we have to also improve at home our ability to scan for those containers that are going to be loaded onto rail cars.

So the second amendment, that I am glad that the managers of this underlying package have accepted, directs the Department of Homeland Security to establish an Intermodal Rail Radiation Detection Test Center and test technology that can scan containers on rail for radiation. Now, currently, the U.S. Customs officials do not scan containers that are loaded directly on to rail. For us in the Pacific Northwest, this is an important issue since so much of our cargo comes through our Ports and onto rail systems and is then moved throughout the United States. Though scanning containers transported on rail cars does present a formidable challenge, we must step up to that challenge.

The 2006 Government Accountability Office report on combatting nuclear smuggling stated ''to speed seaport development and to help ensure that future rail deployments proceed on time, we recommend that the Secretary of Homeland Security in cooperation with the Commissioner of C.B.P. develop procedures for effectively screening rail containers and implementing new technologies to facilitate this.''

Just a few weeks ago, I had a chance to tour the Pacific Northwest National Laboratory in Richland, WA, where they are teeming with customs and—teaming with customs and border protection to develop and test this technology to scan rail transport containers for radiation. Many container ports and transport—container ports and transport companies are moving to on-dock rail systems to reduce the costs and improve efficiency and lessen the Environmental impact of using trucks. So more and more of the container business is moving towards rail. For example, the Port at Tacoma helped lead the way in this transition as the first port in the U.S. to develop an on-dock intermodal rail yard. So today, approximately 72 percent of the cargo arriving at the Port of Tacoma is transported by rail directly from the terminal. So we want to make sure that there is a screening process available that will help us make sure that the United States in cargo rail-transported shipments are more secure. This underlying language in the bill will help us get the right technology test done and the right deployment of the technology.

Since 9/11 we have taken many steps to enhance security infrastructure of our seaports, but further improvements can and must be made. We know the challenges that are facing us, and we know what would happen if a terrorist struck our ports. Millions in my State live, work, and commute around Puget Sound. Many are mere yards from the port, making it a very devastating impact on the populace of Puget Sound. If such an environmental disaster would happen. And the economic impact, I should say, would also be disastrous. We saw in 2002, when the west coast had a closure of a few of our ports, it cost our national economy $1 billion a day. So the Ports of Seattle, Tacoma, Vancouver, Everett and our other major ports are gateways to supplies and products corning to the entire Nation through the State of Washington. Without them, everything from jobs, productivity and economic growth slows down or stops. By making a real commitment to improving security at our ports and the cargoes that move throughout our country, we will have a more secure Nation. We will create jobs and a faster economic growth for the entire country. So I want to commend the managers of this legislation for their commitment in moving this legislation at this time and continuing to push on this difficult task. But I also want to remind my colleagues, as one port security expert said, Stephen Flynn of the Council on Foreign Relations—quote—''We are living on borrowed time.''—So I believe the measures in this Port Security legislation are long overdue, and I hope my colleagues work to see it passed this afternoon.

Mr. President, I yield the floor.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

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

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

AMENDMENTS NOS. 4970, AS AMENDED BY AMENDMENT NO. 5007; 4942, AS MODIFIED; 4952, AS MODIFIED; 4961, AS MODIFIED; 4966, AS MODIFIED; 4997, AS MODIFIED; AND 4983, AS MODIFIED, EN BLOC

Mr. STEVENS. Mr. President, I have another so-called managers' package, a series of amendments that have been cleared by the managers on both sides. There are three committees involved. They have been cleared on a bipartisan basis.

I will send to the desk the amendments and I will present them at this time.

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

Mr. STEVENS. I have the DeMint amendment No. 4970, as amended by amendment No. 5007. It is at the desk. I have the Lautenberg amendment No. 4942, as modified; the Vitter amendment No. 4952, as modified; the Vitter amendment No. 4961, as modified; the Rockefeller amendment No. 4966, as modified; the Menendez amendment No. 4997, as modified; and the Schumer amendment No. 4983, as modified.

This is a package that has been cleared totally. That is my understanding. I ask the amendments be presented en bloc, they be considered en bloc, they be agreed to en bloc, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. We will not object on this side.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 4970

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

At the appropriate place, insert the following:

SEC. ____. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(xii) murder;

''(xiii) assault with intent to murder;

''(xiv) espionage;

''(xv) sedition;

''(xvi) kidnapping or hostage taking;

''(xvii) treason;

''(xviii) rape or aggravated sexual abuse;

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

''(xx) extortion;

''(xxi) armed or felony unarmed robbery;

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

''(xxiii) felony arson;

''(xxiv) a felony involving a threat;

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

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

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

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

AMENDMENT NO. 5007

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

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

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

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

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

''(1) DISQUALIFICATIONS.—

''(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

''(i) Espionage or conspiracy to commit espionage.

''(ii) Sedition or conspiracy to commit sedition.

''(iii) Treason or conspiracy to commit treason.

''(iv) A crime listed in chapter 113B of title 18, a comparable State law, or conspiracy to commit such crime.

''(v) A crime involving a transportation security incident. In this clause, a transportation security incident—

''(I) is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area (as defined in section 70101 of title 46); and

''(II) does not include a work stoppage or other nonviolent employee-related action, resulting from an employer-employee dispute.

''(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law;.

''(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or incendiary device (as defined in section 232(5) of title 18, explosive materials (as defined in section 841(c) of title 18), or a destructive device (as defined in 921(a)(4) of title 18).

''(viii) Murder.

''(ix) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (viii).

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the offenses listed in clauses (iv) and (viii).

''(xi) Any other felony that the Secretary determines to be a permanently disqualifying criminal offense.

''(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such or card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such a card, of any of the following felonies:

''(i) Assault with intent to murder.

''(ii) Kidnapping or hostage taking.

''(iii) Rape or aggravated sexual abuse.

''(iv) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes, but is not limited to—

''(I) firearms (as defined in section 921(a)(3) of title 18); and

''(II) items contained on the United States Munitions Import List under 447.21 of title 27 Code of Federal Regulations.

''(v) Extortion.

''(vi) Dishonesty, fraud, or misrepresentation, including identity fraud.

''(vii) Bribery.

''(viii) Smuggling.

''(ix) Immigration violations.

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961, et seq.) or a comparable State law, other than a violation listed in subparagraph (A)(x).

''(xi) Robbery.

''(xii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

''(xiii) Arson.

''(xiv) Conspiracy or attempt to commit any of the crimes in this subparagraph.

''(xv) Any other felony that the Secretary determines to be a disqualifying criminal offense under this subparagraph.

''(C) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) and (B), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

''(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

''(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

''(II) for causing a severe transportation security incident;

''(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

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

''(iv) otherwise poses a terrorism security risk to the United States.''.

AMENDMENT NO. 4942, AS MODIFIED

At the appropriate place, insert the following:

SEC. ———. THREAT ASSESSMENT SCREENING OF PORT TRUCK DRIVERS.

Subject to the availability of appropriations, within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall implement a threat assessment screening, including name-based checks against terrorist watch lists and immigration status check, for all port truck drivers that is the same as the threat assessment screening required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (Federal Register, Vol. 71, No. 82, Friday, April 28, 2006).

AMENDMENT NO. 4952, AS MODIFIED

On page 14, line 22, after the period, insert the following: ''The regulations shall include a background check process to enable newly hired workers to begin working unless the Secretary makes an initial determination that the worker poses a security risk. Such process shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government.''.

AMENDMENT NO. 4961, AS MODIFIED

In the appropriate place insert the following: BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by inserting '', energy'' between ''national economic'' and ''and strategic defense concerns.''.

AMENDMENT NO. 4966, AS MODIFIED

At the appropriate place insert the following:

SEC. ———. AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING PROGRAM.

(a) IMPLEMENTATION STATUS.—Within 180 days after the date of enactment of this Act, the Comptroller General shall assess the Department of Homeland Security's aircraft charter customer and lessee prescreening process mandated by section 44903(j)(2) of title 49, United States Code, and report on the status of the program, its implementation, and its use by the general aviation charter and rental community and report the findings, conclusions, and recommendations, if any, of such assessment to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security.

AMENDMENT NO. 4997, AS MODIFIED

On page 18, between lines 22 and 23, insert the following:

(b) RISK MANAGEMENT PLAN.—

time Security Committee shall develop a Port Wide Risk Management Plan that includes—

(A) security goals and objectives, supported by a risk assessment and an evaluation of alternatives;

(B) a management selection process; and

(C) active monitoring to measure effectiveness.

(2) RISK ASSESSMENT TOOL.—The Secretary of the Department in which the Coast Guard is operating shall make available, and Area Maritime Security Committees shall use, a risk assessment tool that uses standardized risk criteria, such as the Maritime Security Risk Assessment Tool used by the Coast Guard, to develop the Port Wide Risk Management Plan.

On page 19, line 16, strike ''and''.

On page 19, line 18, strike the period at the end and insert ''; and''.

On page 19, between lines 18 and 19, insert the following:

''the Port Security Improvement Act of 2006.

On page 19, strike line 24 and insert the following:

for Preparedness, may require.

''(h) REPORTS.—Not later than 180 days after the date of the enactment of the Port Security Improvement Act of 2006, the Secretary, acting through the Commandant of the Coast Guard, shall submit a report to Congress, in a secure format, describing the methodology used to allocate port security grant funds on the basis of risk.''.

AMENDMENT NO. 4983, AS MODIFIED

(Purpose: To carry out an ''Apollo Project'' to research and develop new technology for the accurate and effective detection and prevention of nuclear and radiological threats to United States seaports)

On page 20, between lines 8 and 9, insert the following:

(d) CONTAINER SCANNING TECHNOLOGY GRANT PROGRAM.—

(1) NUCLEAR AND RADIOLOGICAL DETECTION DEVICES.—Section 70107(m)(1)(C) of title 46, United States Code, as redesignated by subsection (b), is amended by inserting '', underwater or water surface devices, devices that can be mounted on cranes and straddle cars used to move cargo within ports, and scanning and imaging technology'' before the semicolon at the end.

(3) USE OF FUNDS.—Amounts appropriated pursuant to this section shall be used for grants to be awarded in a competitive process to public or private entities for the purpose of researching and developing nuclear and radiological detection equipment described in section 70107(m)(1)(C) of title 46, United States Code, as amended by this section.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated a total of $70,000,000 for fiscal years 2008 through 2009 for the purpose of researching and developing nuclear and radiological detection equipment described in section 70107(m)(1)(C) of title 46, United States Code, as amended by this section.

AMENDMENT NO. 4995

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I call up amendment No. 4995 and I ask for its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4995.

(Purpose:) To require the placement of balss-resistant cargo container on all commercial passenger aircraft)

At the appropriate place, insert the following:

SEC. ___. BLAST-RESISTANT CONTAINERS.

Section 41704 of title 49, United States Code, is amended by adding at the end the following: ''Each aircraft used to provide air transportation for individuals and their baggage or other cargo shall be equipped with not less than 1 hardened, blast-resistant cargo container. The Department of Homeland Security will provide each airline with sufficient blast-resistant cargo containers 90 days after the Department of Homeland Security's pilot program is completed''.

Mr. STEVENS. Mr. President, parliamentary inquiry: Is this amendment germane?

The ACTING PRESIDENT pro tempore. The amendment is not germane.

Mr. STEVENS. I make a point of order that it is not germane.

The ACTING PRESIDENT pro tempore. The point of order is sustained.

The Senator from California.

Mrs. BOXER. Mr. President, I am very disappointed. We have looked through this bill and we have seen an amendment that we believe gives Senators the opening to offer this. It was coming from the other side. It was the Burns amendment that dealt with an issue close to this. I will not argue that.

What I say to my colleagues today is this: We are very fortunate we have a homeland defense bill before the Senate. We are very fortunate Senators COLLINS and MURRAY work in a bipartisan way on a homeland security bill that deals with port security. We are further blessed that Senators have the guts to step up and offer amendments dealing with rail security and transit security. They were agreed to, thereby broadening the scope of this bill.

However, it is amazing to me that after we have observed and marked the fifth anniversary of September 11 we would turn away from a simple amendment that I am offering, which costs as much money as it takes for the war in Iraq in 5 hours—5 hours of the war in Iraq. We could take that amount of funding and make sure that on every passenger plane in this country that carries cargo there would be at least one blast-resistant cargo container.

Everyone lauded the 9/11 Commission. Let's see what they said about this.

The TSA should require that every passenger aircraft carrying cargo must deploy at least one hardened container to carry any suspect cargo.

That is the 9/11 Commission Report. That is dated July 22, 2004.

The other side is objecting on some thin parliamentary threat and hiding behind it. It is outrageous. I cannot wait to tell the people of this country that for 5 hours of the cost of the war in Iraq, every airplane that has cargo

would have at least one blast-resistant container so that if there is a bomb on that plane it will be contained. because only the suspect cargo would go into that particular container.

I do not understand what we are doing here. We have a good bill. We can make this bill better. The first thing I heard from my colleagues on the other side of the aisle is, oh, they did not want the airlines to have to pay the $15,000 per container—$15,000. It is a $150 million aircraft, but they did not want the airlines to pay $15,000. Fine. I said we will make sure the Transportation Security Agency gets those containers to the airlines. That is fine. That is fair.

The Homeland Security Department now has a test program. We know these things work. So let all of America hear it today. For all the talk about the 9/11 Commission Report and how great it was and how fair it was and how bipartisan it was, how good it was, how clear it was, this very simple recommendation that every passenger aircraft carrying cargo must deploy at least one hardened container to carry any suspect cargo, this Republican Senate would not allow a vote.

You are going to hear all kinds of words about why it is not germane, and we are doing something else somewhere else. Do you know what? This is simple. This would do the trick. This is not costly. It would not even rate an asterisk in the Federal Government.

So I am very sad to see that we cannot vote on this amendment. But I will be back another day with it. You can be sure of that.

I thank you very much, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that the vote on the motion to table the SCHUMER amendment No. 4930 occur at 4 p.m., with no second degrees in order prior to that vote. I further ask consent that following that vote, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, if I could just ask that Senator SCHUMER be given 2 minutes to speak prior to the vote.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I modify my request to ask that there be 4 minutes equally divided.

The ACTING PRESIDENT pro tempore. Is there objection to there being 4 minutes equally divided between both sides before the vote?

Ms. COLLINS. No objection, and I so modify my request.

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

The Senator from Alaska.

Mr. STEVENS. Mr. President, before that time commences, I want to answer the Senator from California. Canine teams are the most effective way to screen cargo transporter and passenger planes. Dogs can screen large quantities of cargo more quickly than any other available methods. One dog team can screen all the cargo on a 777 in 13 minutes.

Now, there is just no reason for these containers that the Senator from California wants to use, no reason to permit high-risk cargo aboard an aircraft. The hardened containers would only be able to contain a blast of limited quality of explosive material and would only be available for wide-body aircraft.

That amendment is not pertinent to this bill. This is not an airplane bill. This is not an aircraft bill. It is not an airline bill. It is a port and railroad security bill. That is why I objected. And I thank the Chair for ruling it was not germane.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, if I may respond, this is not my idea, I say to my good friend from Alaska, with whom I have had many good debates. This is a recommendation of the 9/11 Commission. We all know there are sniffing dogs going through the airports. I voted to make sure that happened. But we also know we are talking about a layered defense.

I want to know what the Senator from Alaska would say if this cargo blew up on a plane. I do not think he would be down here saying: Well, I supported making sure we had canine teams. I will tell you right now, either we are going to do homeland defense or we are not.

The Senator is right, this is a port security bill. But we have broadened it. I know he was not thrilled about that, and neither was the other manager. They wanted to keep it to port security. Why? Why not keep our people safe, not only when you are dealing with port security but with air security and rail security and transit security?

So this idea I have laid out here is not my idea. It is directly from the 9/11 Commission Report. And let the RECORD show that all kinds of talk about, oh, how safe we are because we have the canine teams, that is just part of a layered defense. The 9/11 Commission knows this, understands this.

It would have been very simple to have a vote on this amendment and add this very simple, inexpensive addition to this bill. But I guess it goes back to what Mr. Chertoff said the other day. I guess it just is not a priority. He said: Oh, we are going to go bankrupt protecting the people. I am basically paraphrasing what he said. Bin Laden wants us to go broke, he said. No. Bin Laden wants to kill us. Yes, he wants to kill us.

So why are we walking away from a 9/11 Commission recommendation that costs as much as 5 hours of the war in Iraq? The RECORD will show what happened here today.

Mr. President, I thank you and yield the floor.

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

AMENDMENT NO. 4942

Mr. LAUTENBERG. Mr. President, I just want to say a few words about an amendment, No. 4942, that was accepted in the managers' package.

On April 28 of this year, the administration announced a plan to check ''all individuals seeking access to port facilities. . . .'' They wanted to check all individuals seeking access to port facilities. The plan was to check these individuals' names against the terrorist watch list and to check for citizenship status. But a major loophole was created when it intentionally left out port truck drivers from this process.

Now, we are reminded that when the first attack on the World Trade Center, in 1993, took place, the explosives were hidden in a van. When the Murrah Building in Oklahoma City was blown up, the explosives were hidden in a van. And not to recognize that these trucks entering a port area could be carrying anything—whether it is taking cargo containers out of the port that had been brought to our shores from foreign ports or whether it is taking an empty cargo container back into the port—my gosh, you could almost hide a tank in one of those.

So to me it really did not make sense when the Department of Homeland Security's excuse was that it was simply too hard to do, to vet all of these truck drivers who come in, and get them an ID card to show they have been checked for any security concerns. Certainly, I do not think that is a valid excuse when it comes to protecting us from a terrorist attack. ''Too hard'' is never an acceptable reason. Just look at our brave troops in Iraq and in other places, places of great danger. No one is saying it is too hard. They are doing their duty to protect all of us and our interests.

One of the largest truck driver labor organizations in the world fully supports my amendment. They know they have nothing to hide, and they want to know that their workplaces are secure from terrorism.

The amendment simply requires that the IDs of truck drivers who have access to secure areas of ports be checked against terrorist watch lists and to confirm their American citizenship.

Earlier this year, DHS Customs Enforcement agents did an investigation of port truck drivers. Of about 10,000 port truck drivers working in the Port of New York and New Jersey, almost half had criminal histories. Some had been charged with the possession of millions of dollars of stolen pharmaceutical goods, or trying to smuggle cocaine and Iranian carpets into the United States.

This failure to check port truck drivers along with all other port workers is

a dangerous shortcut. It is unacceptable. When it comes to protecting our security, we do not seek shortcuts. We do not want to. We want full measures taken to keep us, our families, our constituents, and the people in the area safe.

I want to thank the manager, the Senator from Maine, and Senator STEVENS from Alaska for accepting this amendment. It will help make sure our attempts for security are better fulfilled. I thank them. and I thank the chairman for working with me on this important issue. I understand there may be concerns with some technical aspects of my amendment, but I think it is clear that everyone here recognizes the problem of not checking port truck driver names against the terror watch list and for citizenship status.

Mr. STEVENS. I agree and I commit to working with the Senator to see that we do our best to make this law.

AMENDMENT NO. 4930, AS MODIFIED

The ACTING PRESIDENT pro tempore. Under the previous order, there are 4 minutes equally divided between the proponents and opponents of the Schumer amendment.

Who yields time?

The Senator from Maine.

Ms. COLLINS. Mr. President, I will yield myself 1 minute, and then I will reserve a minute for after Senator SCHUMER speaks.

Mr. President, I urge my colleagues to join me in voting to table the amendment offered by the Senator from New York, which would require 100-percent scanning of all 11 million cargo containers entering the United States, regardless of whether they are incredibly low-risk containers or high-risk containers.

Now, the amendment that was adopted yesterday, the Coleman amendment, provides for 100-percent scanning of high-risk containers. The bill before us has a pilot program in three foreign ports to find out: Is it feasible and practical? Is the technology available? Can we, in fact, do 100-percent scanning without significantly slowing the flow of commerce? Right now it appears that we cannot do that. The technology is not there. But eventually we will be able to get to that goal. The approach in the Schumer amendment ignores the technological limitations we now have.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator reserves the remainder of her time.

Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from New York is recognized for 2 minutes.

Mr. SCHUMER. Thank you, Mr. President.

Let me say this amendment is a very simple one. It says within 4 years we must have all of our cargo inspected for nuclear weapons. We have been trying to do this for 5 years—close to 5 years—and what we have gotten is a lot of studies, pilot projects.

And now I have seen it with my own eyes. Others have here, too. It can be done. It is done in Hong Kong on two lines. It costs about $8—once it is fully going, per container, nothing because it costs $2,000 to send a container over.

This does not cost the taxpayers any money. And this is the greatest—greatest—terrorist act that could befall us: a nuclear weapon smuggled into this country and exploded, God forbid. Can any one of us say we have done everything we can to stop it? No.

The fact that this amendment has drawn such controversy and has focused attention on the issue has shown that when you put in a deadline, you get things done.

When you do pilot projects and studies—especially because Department of Homeland Security has not done a very good job in this, the most important of areas—you will get delay. If you want to wait another 5 years, vote against this amendment. But if you care about protecting the security of America and preventing the greatest act of terror that could befall us, you will vote for this amendment to impose deadlines—because we know it can be done—and make our country more secure once and for all. We cannot afford to wait any longer, Mr. President.

I urge a ''yea'' vote.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized for 1 minute.

Ms. COLLINS. Mr. President, once again, I will explain the provisions of the bill. It has a layered system of security for our cargo and, by the end of next year, it requires that the 22 busiest ports in the United States, which handle 98 percent of all cargo containers, will have installed the equipment to screen for radiation, for radiological devices, including a nuclear device. So it is not just studies and plans, as the Senator from New York repeatedly says; it has specific mandates.

The Coleman amendment, adopted yesterday, requires 100 percent screening and scanning of all high-risk containers. But the fact is that we do not yet have feasible, efficient, practical technology in place to allow us to do 100 percent scanning of all containers without significantly slowing container movement, producing a backlog, and harming our economy.

I move to table the Schumer amendment, and I 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 clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—61

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

NAYS—37

Bayh	Harkin	Nelson (FL)
Biden	Jeffords	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Byrd	Kerry	Reid
Carper	Kohl	Rockefeller
Clinton	Lautenberg	Salazar
Dayton	Leahy	Sarbanes
Dodd	Levin	Schumer
Dorgan	Lieberman	Stabenow
Durbin	Lincoln	Talent
Feingold	Menendez	
Feinstein	Mikulski	

NOT VOTING—2

Akaka	Chafee

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. There is 10 minutes equally divided to make final statements on this bill?

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senate will come to order. Senators will please take their conversations off the floor.

The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that each side have 5 minutes, jointly, to make final statements on this bill.

The PRESIDING OFFICER. Is there objection? Hearing none, there is 5 minutes equally divided.

LAND PORTS SECURITY

Mr. LEVIN. Mr. President, securing our seaports against terrorist threats is a critical issue, and I commend Chairman COLLINS and Senator

LIEBERMAN for their hard work on the bill we are debating today, the Port Security Improvement Act of 2006. Senators COLLINS and LIEBERMAN have negotiated this bill not only with members of the Homeland Security and Governmental Affairs Committee but also with members of the Commerce and Finance Committees; they deserve our thanks for their tireless efforts.

While seaports are the focus of this bill, I would like to point out that land ports are equally important ports of entry into this country; they also suffer security gaps, and they also receive attention in this bill. Right now, about 11 million containers enter this country by ship through our seaports; another 11 million containers enter this country by truck through our land ports. According to the Department of Homeland Security, DHS, for example, the northern border has 6 of the top 10 truck border crossings in the country, including the No. 1 crossing point in the Nation, the Ambassador Bridge in Detroit. In fact, the Ambassador Bridge is currently the largest trade link that the United States has with another country, connecting Detroit, MI, and Windsor, Ontario with nearly 10,000 trucks crossing daily transporting goods worth nearly $110 billion per year. Over 60 percent of all trucks crossing the northern border take place in southeast Michigan.

Over the past 5 years, we have increased border staffing and security along our land borders and made progress in installing radiation detection equipment at land ports of entry. Today, for example, 100 percent of all trucks entering Michigan are screened by radiation detection equipment. But there is more to be done; we need better equipment to detect currently hard-to-detect nuclear materials and to analyze currently unreadable cargo images, such as images of trash containers on trucks entering the United States from Canada. Among other provisions, this bill directs the Secretary of DHS to enhance cargo security research, which I support.

The bill also takes a number of other steps to improve container security at land ports of entry, even though land ports are not the primary focus of this bill. Chairman COLLINS, am I correct that a few provisions in the bill would strengthen container security at both the land ports of entry as well as the seaports?

Ms. COLLINS. You are correct, Senator LEVIN. The bill contains provisions which would strengthen security measures for containers transiting either land or sea ports of entry.

Mr. LEVIN. It is my understanding that the following provisions in the bill, for example, would apply to all containers, whether they moved by truck or by ship: section 201, which would call on the DHS Secretary to establish a strategic plan to enhance the security of the international supply chain; section 211, which would codify the Customs Trade Partnership Against Terrorism Program; section 301, which would establish the Office of Cargo Security Policy; and section 303, which would increase research into ways to strengthen cargo security.

Is it your understanding that these provisions would apply to containers traveling through both the seaports and land ports?

Ms. COLLINS. Yes, it is the intent of the bill that those provisions apply to all containers, whether transiting U.S. seaports or land ports of entry.

Mr. LEVIN. I thank you for your time and for helping me to underscore an important point, that this bill would strengthen security measures for all types of shipping containers, at both sea ports and land ports of entry.

TWICS

Mr. DEMINT. Mr. President, I thank my colleagues for working with me on this important amendment. The amendment that I offered and which is included in the managers' package codifies the current proposed regulations governing the issuance of transportation worker identification credentials—often known as TWIC cards. My amendment would codify in statute a number of offenses which would bar individuals from receiving TWIC cards if they have been convicted, or found not guilty by reason of insanity, of a number of particularly heinous offenses. The amendment would also bar individuals from holding TWIC cards if they have been convicted of or found not guilty by reason of insanity within the last 7 years or have been incarcerated in the preceding 5 years for certain other offenses. This amendment will provide the Nation with assurances that the hard-working men and women at our ports are trustworthy.

It is my understanding that this language will be the Senate position in conference and that my colleagues will fight to protect this language and to ensure that the conference report contains the DeMint amendment.

I am particularly pleased to hear that Cochairman INOUYE has agreed to fight for this amendment in conference. Is that understanding correct?

Mr. INOUYE. The Senator is correct that his amendment will be the position of the Senate. I can assure the Senator I will work to protect the Senate position in conference.

Mr. DEMINT I thank my colleagues for working with me on this amendment and look forward to the port security bill's passage.

Mr. MCCAIN. Mr. President, yesterday, the Senate adopted amendment No. 4951, which I offered to the Port Security Improvement Act of 2006, to require all recipients of grants from the Department of Homeland Security—DHS—to report to the Department on the expenditures made from these Federal funds.

I offered this amendment in response to recent testimony by the U.S. Government Accountability Office—GAO—which found it difficult to track expenditures made from the $11 billion in Federal grants awarded to States and localities to improve emergency preparedness, response, and recovery capabilities. Specifically, William O. Jenkins, Jr., Director of the GAO's Center for Homeland Security and Justice, stated that, ''What is remarkable about the whole area of emergency preparedness and homeland security is how little we know about how states and localities (1) finance their efforts in this area, (2) have used their federal funds, and (3) are assessing the effectiveness in which they spend those funds.''

Currently, the Department requires States and localities applying for grants to submit an ''Investment Justification'' outlining implementation plans and detailing how the Federal funds are expected to be used to meet homeland security goals, objectives, and capabilities. Additionally, the Department requires States and localities that receive funds to file a Categorical Assistance Progress Report twice a year on how the Federal assistance allocations were used to meet homeland security goals and objectives. However, grant recipients are not required to disclose specific homeland security expenditures.

Early in the formation of DHS, grant recipients were required to report expenditures for homeland security equipment, plans, training, or exercises. This amendment will simply reinstate the requirement. With such a process in place, I hope DHS and the GAO will be able to report to Congress, and the American taxpayers, on the effectiveness of the grant programs and the use of Federal funds.

I am pleased my colleagues joined me in supporting this amendment to promote greater accountability and transparency in the use of taxpayers' money.

Mr. KOHL. Mr. President, I rise to support passage of H.R. 4954, the Port Security Act. This bill will improve security at our ports and it is a step in the right direction. It will invest more money and coordinate programs to improve cargo screening, hire more personnel to increase physical security at ports, require background checks for port workers, and expedite deployment of radiation detection equipment to prevent the smuggling of nuclear material into our ports. All of these measures represent a better and smarter approach towards port security and homeland security generally. But we need to do much more.

It has been 5 years since the 9/11 attacks and sadly we still have much more to do to prevent a repeat of that catastrophe. We are troubled that this Congress has failed to implement many of the changes suggested by the 9/11 Commission more than 2 years after their final report. For example, the Commission urged us to improve border security through a more efficient entry-exit screening system. Despite the national outcry to beef up border

security as we have seen during the ongoing immigration debate, we have yet to adequately address this problem.

The 9/11 Commission also recommended that we develop smarter plans to secure not only our air transportation system but also our rail and main transit systems. As the terrorist attacks in Madrid in 2004 and London in 2005 taught us, terrorists are more than willing and able to attack our trains, buses, and subway systems.

And even though we have spent billions to better protect air passengers, we must better screen for explosives in checked baggage and air cargo. The plot to use liquid explosives uncovered by British intelligence services in August revealed that we are unable to properly scan for all explosives. We can and must do more to protect these vulnerabilities against attack.

Unfortunately, what needs to be done to improve homeland security is not limited to the transportation sector. For example, we must also do more to improve security at our nuclear powerplants and chemical factories. Study after study has shown that a tragic attack on one of these facilities could kill thousands of Americans.

Such a bleak assessment of what still needs to be done—a full 5 years after 9/11—should gravely concern us. It is no wonder that a majority of Americans do not feel safer. According to an ABC News poll taken last week, 74 percent of Americans said they were concerned about the possibility of more major terrorist attacks in the United States. That same poll also found that 60 percent said more should be done to stop terrorists from striking again. Clearly, public sentiment demands that we improve homeland security. Passage of the port security bill will demonstrate that we can work together to make America safer. While this marks progress, it is just one piece of a much larger homeland security puzzle that we need to tackle. This must be our No. 1 priority and I urge my colleagues to continue working together towards this goal.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate is about to pass the Port Security Improvement Act of 2006.

This week our Nation observed the tragic anniversary of September 11, 2001. Five years after that horrific attack on our country, we honor those who lost their lives, and pay tribute to the heroism of the first responders who selflessly risked, and even gave, their lives in the rescue and recovery missions. Since that day, Congress has taken some actions to improve domestic preparedness and readiness, but there is much more we must do to help protect Americans from the threat of terrorism on our own soil. We must finish the job of implementing the bipartisan September 11 Commission's recommendations, including strengthening the security of our ports. Let us not get sidetracked from what should be our No. 1 priority, the fight against terrorism, and this port security bill is a key component in that fight.

Ports are a critical part of our Nation's infrastructure and an attack on our ports would have devastating consequences for the U.S. and the global economy. It is therefore of the utmost importance that our ports have adequate security measures put in place. That is why I supported a number of good provisions in this port security bill, such as the establishment of minimum security standards for all cargo entering the U.S., the requirement of radiation screening at the 22 busiest U.S. ports, and increased funding for the important port security grant program.

I was especially gratified to support the Murray amendment that extends certain Customs and Border Protection fees. While this might not appear to be much on first glance, this amendment was the difference between just authorizing these improved protections and providing the funding to put them in place. And it provides this funding in a responsible manner without adding to the deficit.

I was disappointed that the Senate rejected an amendment offered by Senator SCHUMER, which I cosponsored, that would prohibit foreign cargo from entering the U.S. unless the container has passed through an integrated scanning system and be tested for nuclear and radiological materials. This amendment would require, within two years, every container entering the U.S. from a foreign port designated under the Container Security Initiative—CSI—to be scanned before being loaded. This would cover the vast majority of transatlantic and transpacific cargo and be scaled up to scan all cargo within 4 years.

I was also disappointed that the Senate rejected the amendment offered by Senator MENENDEZ that would have required the Department of Homeland Security to develop a plan to incrementally increase the amount of cargo scanned for all threats until 100 percent of cargo was examined. Congress needs to finish the job of implementing the bipartisan 9/11 Commission's recommendations to improve our national security, including heightened screening of cargo that passes through our Nation's ports.

I also supported the amendment of Senator REID, which contained a number of important provisions addressing national security needs that are not addressed in the underlying bill. It is unfortunate that the Senate was unwilling to expand the scope of the bill to consider other matters relevant to fighting terrorism and protecting Americans. While I did not support every provision in the Reid amendment—it did not do enough to put this administration's flawed Iraq policy on the right course, for example—the Senate missed an important opportunity when it rejected that amendment.

Mr. President, I will vote for this bill because it provides funding for many important port security needs. However, our Nation's vulnerabilities demand more and I will continue to work to ensure that our vital homeland security needs are met.

Mr. SALAZAR. Mr. President, as this Congress comes to a close, it is important to ask: Have the Congress and the White House done everything possible to make the American people safe?

Unfortunately, I am afraid the answer is ''No.''

Just over a year ago, we all witnessed in horror the tragically inept response to Hurricane Katrina. Despite claims that DHS and FEMA had put their house in order after the Hurricane, just last week a GAO report raised concerns that adequate safeguards are still not in place to properly respond to a catastrophe.

Despite the fact that the 9/11 Commission gave 5 Fs and 12 Ds in its final report, an appalling number of the Commission's recommendations have still not been implemented—including recommendations regarding emergency preparedness and response, transportation security, border security, and intelligence reform.

Too many of our first responders still lack adequate equipment, resources, communications interoperability, and—just as important—training. Making matters worse, as local law enforcement agencies are forced to take on more homeland security responsibilities, the administration keeps proposing cuts to law enforcement funding.

Our borders are broken and lawless, allowing millions of people to cross the border without the government knowing who they are or why they are here. Meanwhile, border security programs remain under-funded and the National Guard has been strained to the limit.

Funding for air cargo security has declined by about 25 percent over the past 3 years, while a comprehensive baggage screening system is not expected to be in place until 2024.

Incredibly, there are still no minimum standards regulating security at our chemical facilities which remain vulnerable to attack. For reasons which I cannot understand, the Republican leadership has either refused or been unable to schedule floor time for a strong, bipartisan chemical security bill which has already been reported out of committee.

The American people deserve better. They deserve a Congress that will put partisan politics to the side and put homeland security first. So while I am proud to stand here and support this important, bipartisan port security bill, I do so with the understanding that it is only a first step on the long road toward adequately protecting our homeland.

Almost 5 years to the day after the September 11 attacks, more than 2 years after the 9/11 Commission warned us about the need to address port security, and more than half a year after the Dubai Ports World controversy

brought port security to the front pages, the Senate is finally addressing this important issue.

The wait is unfortunate, because the issues at stake are serious. Over 11 million shipping containers enter the United States via our ports each year. Those containers carry roughly 2.4 billion tons of goods worth more than $1 trillion—and some expect those numbers to double over the next 20 years. It goes without saying that an attack on our ports would cause economic catastrophe.

The average shipping container originating overseas will pass through, on average, over a dozen intermediate points before it arrives in the U.S.—each providing an opportunity for terrorist infiltration. Weapons smuggled into the country through one of our ports could cause unspeakable loss of life.

Only about 6 percent of containers arriving at U.S. ports are currently inspected before they enter the country and that we do not have a comprehensive plan to restart the economy in the event of a terrorist attack on our ports.

So I am happy that we have finally taken up this important, bipartisan piece of legislation—and I commend Senators COLLINS, LIEBERMAN, MURRAY, INOUYE, and STEVENS for their leadership on the issue. And while the legislation isn't perfect, it would take important steps toward securing our ports and protecting our economy.

First, I am pleased that the bill establishes a pilot project in 3 foreign seaports to screen every container entering the United States from those ports. This is a long-overdue first step.

I am also pleased that the bill requires the screening for radiological material of each container entering the United States.

The bill also includes important provisions requiring DHS to develop enhanced protocols governing the resumption of trade in the event of an attack on our ports and a comprehensive strategic plan regarding maritime cargo security.

I am also pleased that the bill improves and expands key port security programs such as the Container Security Initiative and the Customs-Trade Partnership Against Terrorism; and that it authorizes important risk-based port security grant programs.

Improving our port security isn't impossible. Just look at Hong Kong. While we inspect only about 6 percent of incoming containers, the port of Hong Kong has implemented new screening procedures that achieve 100 percent inspection. While this bill won't get us to 100 percent inspection overnight, it is an important—and long overdue—first step.

Furthermore, I would like to thank my colleagues for supporting my amendment to create a Rural Policing Institute—RPI—at the Federal Law Enforcement Training Center, FLETC. FLETC does a fantastic job training Federal, State, and local law enforcement officials. But FLETC does not have sufficient resources dedicated specifically toward training rural law enforcement officials. So the Rural Policing Institute would evaluate the needs of rural and tribal law enforcement agencies; develop training programs designed to address the needs of rural and tribal law enforcement agencies, with a focus on combating meth, domestic violence, and school violence; export those training programs to rural and tribal law enforcement agencies; and conduct outreach to ensure that the training programs reach rural and tribal law enforcement agencies.

As Attorney General, I learned that a small investment in law enforcement training can pay great dividends. By ensuring that our rural and small town law enforcement officers have the training they need to protect their communities, the RPI will help law enforcement agencies better protect the safety and security of their communities.

Finally, I am proud to cosponsor an amendment that would make the Transportation Technology Center, Inc.—TTCI—in Pueblo, CO, a part of the National Domestic Preparedness Consortium—which is the principal organization through which the Department of Homeland Security identifies, develops, tests, and delivers training to state and local emergency responders.

The TTCI does an outstanding job training first responders from the rail and mass transit sectors, the chemical industry, government agencies, and emergency responders from around the world. Each year, roughly 1,700 first responders go to Pueblo to participate in TTCI's outstanding training programs. TTCI's inclusion in the National Domestic Preparedness Consortium will allow it to improve its already outstanding services.

Our first responders are the finest in the world, and they deserve the best possible training and facilities. This bill is an important step in that direction.

Mr. GRASSLEY. Mr. President, the Senate is about to pass the Port Security Improvement Act of 2006. This important legislation is the result of months of hard work between the Committee on Finance, which I chair, the Committee on Commerce, Science, and Transportation, and the Committee on Homeland Security and Governmental Affairs. I thank again Chairman STEVENS and Chairman COLLINS, as well as Senator COLEMAN, Senator INOUYE and Senator LIEBERMAN, and of course Senator BAUCUS, the ranking member on the Finance Committee, for coming together with me to produce a significant and balanced piece of legislation that advances both the trade and economic security interests of our Nation.

As I have noted previously, those who intend harm to our Nation seek to inflict economic as well as physical injury. We must be mindful of both concerns as we defend the homeland. I am pleased to say that we in the Senate have done our part. The committees of jurisdiction came together, worked together, and produced a bill that will empower the Department of Homeland Security, and in particular the U.S. Customs and Border Protection, to better meet the dual responsibilities of securing the homeland and protecting the economic security of our Nation. Our legislation has been on the floor for a week, during which the Senate has worked its will. I look forward to working out our differences with the House so that we can get this legislation to the President's desk as soon as possible.

I want to take a moment to thank the many staff who have worked so hard and so long to make this legislation a reality. On the Finance Committee, that begins with my chief counsel and staff director, Kolan Davis, whose skilled leadership is key to the advancement of my agenda on the committee. My international trade counsel, Stephen Schaefer, deserves special mention. Stephen is a very smart trade counsel, a creative problem solver, and a dedicated public servant. Tiffany McCullen Atwell, my international trade policy adviser, also deserves special mention. Tiffany was tireless in her efforts and a very strong and effective advocate for the Finance Committee. Together, their hard work and advocacy contributed significantly to the development of this legislation. I also want to recognize the other members of my trade staff, David Johanson, who serves me as international trade counsel, and Claudia Bridgeford, my international trade policy assistant. Their support is critical to my success.

Senator BAUCUS's trade staff also deserves recognition. The Democratic staff director on the Finance Committee, Russ Sullivan, and the deputy staff director, Bill Dauster, worked well with my staff throughout the process. I also appreciate the efforts of Brian Pomper, Senator BAUCUS's chief, international trade counsel, and in particular Senator BAUCUS's international trade adviser, Anya Landau, who worked so closely and so well with my staff in this effort. And I want to acknowledge the other members of Senator BAUCUS's trade staff, Demetrios Marantis, Chelsea Thomas, Janis Lazda, and Mary Lisa Madell.

Finally, I would like to thank Polly Craighill, senior counsel in the Office of the Senate Legislative Counsel, for the many hours she put into drafting and improving this legislation. Not only is Polly a perfectionist, but she also drives others to meet her high expectations and for that I am personally grateful. The bill before the Senate is much improved by virtue of her patience, dedication, and expertise.

Mr. LEAHY. Mr. President, I want to offer a comment on an aspect of the port security bill, included in the managers' package. The IP-enabled voice communications and public safety provisions will encourage the use of E–911

by Voice over Internet Protocol providers. I want to thank Senator STEVENS for removing language from the initial amendment that would have delayed implementation of this public safety program. The provisions that were removed would have needlessly endangered lives. Accordingly, the modification was essential. As Americans increasingly use IP-enabled voice communications, there is an increasing necessity to ensure these callers have access to their local 911 public safety answering points in case of emergency.

The language of the initial amendment would have provided gaping loopholes for VoIP providers to avoid 911 obligations. It would have delayed the Federal Communications Commission's rules regarding implementation of 911 requirements on VoIP providers; grandfathered subscribers who signed up prior to December 31, 2005—meaning those subscribers would not be assured that when they called 911 they would reach their local first responders; and would have authorized other broad ''waivers'' from the rules.

I want to thank the firefighters—specifically the International Association of Fire Chiefs and the International Association of Fire Fighters—for bringing these important public safety concerns with the initial amendment to our attention. Through their diligence, we have an amendment that will promote the deployment of critical 911 services, rather than delay it. This is crucial to assist America's first responders, including local fire, EMS and police officials, in their efforts to save lives.

As the port security bill moves forward, it is critical that the compromise reflected in this important public safety amendment be maintained. I appreciate the assurances made by the managers to protect this important compromise. All Americans deserve the very best emergency response system. This amendment now helps accomplish that goal.

Mr. ISAKSON. Mr. President, today, the Senate accepted an important amendment to this port security bill to protect longshoremen and private sector marine terminal operators from any adverse consequences that could result from government cargo screening activities. The amendment was coauthored by Senator KENNEDY and myself, and I thank the distinguished Senior Senator from Massachusetts for his leadership on this issue. I also thank the floor managers, Senators COLLINS, STEVENS, COLEMAN, LIEBERMAN, INOUYE, and MURRAY for their vital assistance.

After September 11, Congress mandated that the administration begin scanning shipping containers upon their arrival at U.S. ports. In response to this congressional mandate, U.S. Customs has begun using so-called ''VACIS machines'' to screen cargo on U.S. marine terminals. These machines are enormous imaging systems that use gamma ray technology to produce radiographic images of the contents inside the shipping containers. Some of these systems are truck mounted and can be passed over containers and others are operated by actually driving the container through the machine. With these devices, Government officials can determine the possible presence of many types of contraband. Eventually, every port in the country will have the machines on site.

There is no question that these machines are crucial to our port and national security, but they also have the potential to expose maritime workers to low levels of radiation. The National Academy of Science recently concluded that exposure to any additional radiation above background levels poses an incremental risk to the exposed individual.

This incremental risk of exposure to radiation, regardless of how small, is enough to trigger significant liability for employers under the Longshore and Harbor Worker's Compensation Act.

The amendment that I offer today addresses the issue of this low level radiation exposure in two ways: First, it requires the Secretary of the Department of Homeland Security to develop and implement new protocols to protect the safety of port workers. If indeed it is possible that radiation exposure can be further reduced, hopefully to zero, we should do so. The tens of thousands of dedicated maritime workers in this Nation's ports deserve nothing less than to know that the Federal Government has done everything possible to prevent any exposure to additional radiation caused by these cargo screening machines.

The second part of the amendment allows the operators of marine terminals nationwide to receive financial reimbursement if their port-based employees become ill due to the low levels of radiation emitted by these machines.

Unfortunately, if we do not include this amendment today, maritime employers will be on the hook for thousands of radiation exposure claims because the Federal Government exposed their workers. Congress has placed the operators of marine terminals in a no-win situation. On one hand, we are asking the industry to support Government port security efforts, while on the other hand leaving them vulnerable to a possible litany of radiation exposure claims from their workforce if they do cooperate.

If a port worker believes that he or she was harmed because the Federal Government exposed the worker to radiation, the worker's complaint is with the Federal Government, not his or her employer.

Accordingly, I only ask for fairness for the businesses that operate marine terminals in Savannah, Boston, Seattle, and other American seaports. These businesses are in no way responsible for any radiation hazard brought about by congressional mandate. All these businesses have done is cooperate with the Federal Government. Therefore, this amendment also stipulates that the Federal Government should reimburse employers for any employee claims of injuries caused by exposure to radiation.

In closing, I thank Senator KENNEDY and his staff and the floor managers and their staff for their assistance with this important matter.

Mr. ALLEN. Mr. President, I rise today in strong support, urging passage of the Port Security Improvement Act. As an original sponsor of this measure, I am hopeful we will have a full and vigorous debate, but ultimately pass this important legislation for Virginia and America.

The Port of Virginia is a vital part of Virginia's economy, and its security is key to continued economic prosperity of Virginia. Recently, I visited the Norfolk International Terminals to see and receive briefings on what has been implemented to secure our port against terrorism and other illicit activities. Fortunately, the Virginia Port Authority has been proactive in assessing its security needs and implementing plans and infrastructure to meet those requirements. The Port of Virginia is on the leading edge of port security, which will help ensure the flow of commerce, but more importantly will ensure the safety of the American people. The Port of Virginia is an outstanding example for other ports around the country and the Port Security Improvement Act will help move other port facilities in that direction.

Following the September 11 terrorist attacks, our Government logically focused first on protecting the Nation's airports and commercial airlines. In the years since, we have received disturbing predictions and reports on the vulnerability of our Nation's ports. Claims that a nuclear weapon could be smuggled into the U.S in a container or that a biological or chemical weapon could be disbursed through our port system are grim reminders that must remain vigilant against this threat.

Since 9/11, the Congress and the administration have taken a number of steps to strengthen security at America's ports. We have required advance manifests, so we know what is supposed to be in containers reaching U.S. shores. Our Government has also negotiated agreements with dozens of countries to allow Customs and Border Protection, CBP, personnel to inspect loaded ships destined for the United States. And we have employed scanning devices at ports around the country to detect radiation emanating from cargo. And while there is often talk that cargo entering the U.S. is not being scanned, the fact is that 70 percent of cargo arriving at U.S. ports is scanned by CBP for radiological material.

These and a number of other initiatives have vastly improved the security at our ports. However given the gravity of the threat from al-Qaida and other terrorist groups, we must continue to take steps to maximize our ability to

detect and prevent potential future attacks.

To do so, the Senate Commerce, Homeland Security and Finance Committees have collaborated to craft the Port Security Improvement Act. This legislation outlines the next steps the federal government, port authorities and cargo shippers need to take to protect our country.

The bill provides that the Department of Homeland Security, DHS, develop and implement a plan to deploy radiation detection capabilities to the Nation's 22 busiest ports by 2007. In addition, the measure outlines future requirements to make sure cargo entering the U.S. by various modes of transportation is properly scanned and random physical searches are carried out where appropriate.

In the years since September 11, much has been made about how we guarantee the people entering our ports or working at out ports are not a security threat. Also, many questioned how we make sure credentials to enter ports cannot be duplicated. Our legislation, this bill, the Port Security Improvement Act would implement the Transportation Worker Identification Credential, TWIC, that DHS has been working on for the last few years. TWICs would be required at the 10 busiest ports by 2007 and the next 40 strategic ports by 2008.

Global trade has become the engine of the U.S. and global economy and our ports are the gateways that keep our economy vibrant. We all agree that security of our ports is paramount, but we must also address how new requirements impact the flow of commerce. The Port Security Improvement Act allows DHS to establish a Customs-Trade Partnership Against Terrorism—CTPAT—program that will allow importers to cooperate with the government to secure their own supply chain. Depending on the level of cooperation and security, importers would receive a lower risk assessment as part of the algorithm DHS uses to determine what cargo requires further inspection. This provides a reasonable choice for importers—if you are as forthcoming as possible and your risk for delay will dramatically decrease, if not, your cargo could be held up to ensure its contents are safe.

We cannot ask State and local officials to fund these security improvements without assistance. However as stewards of the taxpayers, we have an obligation to use their hard-earned money as effectively as possible. Our bill would amend existing law so that future grants are allocated on a risk basis. This is an important change that will ensure we are addressing the areas most likely to come under attack.

We have made real progress in securing our ports in the last few years. And yet we all understand we still must do more to protect the American people. Passing the Port Security Improvement Act is the way to do that. I urge my colleagues to supports its passage.

In closing, I would like to thank Chairwoman COLLINS for her steady leadership on this issue. It has been a pleasure working with Senator COLLINS. She has worked diligently to build consensus among all interested parties and has produced a bill that strikes the right balance on security requirements and incentives. Senator COLLINS deserves all our admiration and gratitude for her considerate, outstanding steering of this significant measure that will protect America.

Ms. MIKULSKI. Mr. President, I rise in support of the Port Security Improvement Act because our country's ports are vital to our national security, military capability, and economy. Our economy depends on moving goods via our ports and rail. Our security depends on ports that are safe and protected from attacks. We must pass this bill to keep our ports and America safe.

Since 9/11, we have a new world order. We are fighting a global war on terror. Ports are now a high-threat target for terrorism. We need to keep our ports safe from those with predatory intent. Approximately 11 million containers come into the United States each year and 19,000 containers daily. Shippers declare what is inside, but who really knows what is in there. It could be weapons or explosives.

We need to improve our port infrastructure. This means providing personnel training and installing better gates and security cameras. We must also upgrade our technology. We need tamper-proof latches on containers to prevent terrorists from slipping bombs or weapons into a container. Yet Federal aid for port security is Spartan and skimpy. The President provided no funding for port security grants in his budget.

The Port of Baltimore just celebrated its 300th anniversary. The port is a part of me. My great-grandmother came to American through the port of Baltimore. Growing up, the port was part of my life. The longshoremen, truck-drivers and Merchant Marines who worked at the port were my neighbors. They were hard working, patriotic Americans. They shopped at my father's grocery store. I knew the history of the port because it was the history of my community.

The Port of Baltimore is an economic engine for Maryland and America. It creates jobs, including 42,000 maritime-related jobs in Maryland and almost 20,000 direct jobs. The port generates nearly $6 billion a year in salaries and revenues.

I have been fighting to upgrade and protect our Port of Baltimore for more than 20 years. In the beginning, it was fixing the twists and turns in our channels that were a safety risk. Today, it is threats that were unthinkable years ago. Keeping our port and our people safe from terrorism is one of my top priorities. I have fought for more port security funding in Baltimore to upgrade entry gates and perimeter fencing, install new surveillance equipment, and purchase new patrol boats. The Coast Guard estimates that $8 billion is needed to address port security nationwide. Congress needs to listen to the Coast Guard and provide the needed funding to protect our ports.

This bill is good for the Port of Baltimore and America. It would provide $400 million in port security grants when President Bush provided no funds for these grants. Last year, the Port of Baltimore received $1 million in port security grants, but they need $7 million. It needs these funds for surveillance and explosive detection equipment, perimeter security, and computer equipment to collect cargo information. This bill would also install radiation detection equipment at the 22 largest ports in the United States, including Baltimore. It is the 14th largest port for foreign cargo. This equipment is vital to detect dirty bombs and to protect the people of Maryland and the country.

We need to make sure the Port of Baltimore and all ports across America are safe, secure, and growing. The Port of Baltimore is vital to Maryland's future because an investment in the port is an investment in the State's economy. I am proud that this is the 300th anniversary of the port, but we need to make sure that the next generation celebrates the 400th anniversary. Mr. President, it is time to make port security a priority in the Federal law books and the Federal checkbook. I urge passage of this critical and long overdue legislation.

Ms. COLLINS. Mr. President, I ask unanimous consent that the attached letter from the Supply Chain Security Coalition be printed in the RECORD.

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

SCSC,
September 7, 2006.

Hon. SUSAN COLLINS,
Chairman, Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: We understand that the Senate will take up port security legislation in the very near future. We are writing to express the Supply Chain Security Coalition's support for strong legislation that will improve the security of our ports and the global supply chain, while also ensuring the continued strength and vitality of the U.S. economy. Toward this end, we worked to help pass H.R. 4954, the SAFE Ports Act, which the House of Representatives approved on May 6, 2006 on a vote of 421–2. It is our hope that the Senate legislation will closely mirror those aspects of the House bill that build upon the multi-layered, risk assessment model currently used by the Department of Homeland Security and which have worked to keep our ports safe for the last several years.

However, while we strongly support improving the security of our nation's ports, we will oppose any proposal or amendment that would require all U.S. bound cargo containers to be scanned for radiation and density, so called ''100% scanning'' amendments. Such amendments would require every container to be scanned in a foreign port before the container is loaded on a vessel destined for the U.S. Such a mandate is unrealistic

and could potentially decrease security by forcing containers to sit for extended periods of time, which would then put them at greater risk of tampering. A 100 percent scanning mandate would also divert resources away from the current successful risk assessment approach, which utilizes sophisticated risk-analysis tools to determine which containers may pose a risk and ensures that those containers are handled appropriately. Finally, such a mandate has the potential to significantly impede the flow of commerce. According to the World Shipping Council, when the U.S. Customs and Board Protection Agency (CBP) currently scans questionable cargo, it takes 1–3 days to release that container back into the stream of commerce. With 11 to 12 million containers entering the U.S. every year, it is obvious that a mandate of 100% scanning has the potential to do significant damage to the flow of goods and to the U.S. economy.

Rather than mandating 100% scanning, we believe port security legislation should authorize additional testing and evaluation of scanning technology. Both the ''GreenLane Maritime Cargo Security Act'' passed by the: Senate Homeland Security and Governmental Affairs Committee and the House-approved SAFE Ports Act address this issue by calling for pilot projects to test the effectiveness and operational ability to conduct 100 percent container scanning. In addition, the House bill requires the Secretary of Homeland Security to conduct an evaluation of scanning systems, taking into consideration false alarm rates and other operational issues, the impact on trade, the need for international cooperation, and the ability to integrate and deploy these systems overseas. These provisions represent the best approach to addressing this issue and will help to answer important operational and economic questions that will be critical to understanding how to effectively implement improved container scanning.

We also urge the Senate to remember that current security procedures do a great deal to ensure that U.S. bound cargo is safe. The Customs and Border Protection Agency conducts sophisticated analyses of shipment data for all U.S. bound cargo before it is loaded on vessels. This is known as the ''24–Hour Rule,'' and with this information, CBP conducts a risk assessment through its Automated Targeting System to determine which containers pose the highest risk. One hundred percent of containers that are deemed to be ''high-risk'' are then inspected. In addition, CBP is in the process of deploying Radiation Portal Monitors (RPMs) at all U.S. ports and plans to have close to 100 percent implementation by the end of 2007.

We urge the Senate to pass legislation that builds on this and the other effective procedures that make up the well-established multi-layered risk assessment model used by the Department of Homeland Security (DHS), the Coast Guard, CBP and other government agencies. Congress should outline policies and goals and let DHS find the best and most effective way to meet those goals. Before any technology is mandated, the government should ensure the technology's functionality and application. In addition, government must continue to work with the private sector users of the system to determine the best methods to deploy new technologies in order to achieve maximum results.

We look forward to working with you on improving the public-private partnership to enhance supply chain security. And again, we urge you to oppose any amendment mandating 100% container scanning.

Sincerely,

Agriculture Ocean Transportation Coalition.
Airforwarders Association.
American Apparel & Footwear Association (AAFA).
American Association of Exporters and Importers.
Coalition of New England Companies for Trade.
Food Marketing Institute.
Footwear Distributors and Retailers of America.
Free Trade Alliance.
Joint Industry Group.
National Association of Manufacturers.
National Association of Wholesaler-Distributors.
National Customs Brokers and Forwarders Association of America.
National Fisheries Institute.
National Retail Federation.
Pacific Coast Council of Customs Brokers and Freight Forwarders.
Panasonic Corporation of North America.
Retail Industry Leaders Association.
The National Industrial Transportation League.
Transportation Intermediaries Association.
Travel Goods Association.
Travel Industry Association.
United States Association of Importers of Textiles and Apparel.
U.S. Business Alliance for Customs Modernization.
United States Chamber of Commerce.

Mr. COLEMAN. Mr. President, I rise in support of the Port Security Improvement Act of 2006.

Imagine this scenario: Shortly after 9 a.m. on a beautiful autumn day, an improvised nuclear device explodes on the National Mall in Washington, DC. Within seconds, the U.S. Capitol and the White House are flattened and a plume of radiation spreads to the surrounding suburbs. Intelligence sources quickly determine that this weapon was smuggled through a United States port in a maritime container. Unfortunately, this horrific scenario is not just a plot for the television show ''24''—it is the paramount security challenge facing our Nation and should be our foremost concern.

Many experts believe that a maritime container is the ideal platform to transport nuclear or radiological material or a nuclear device into the United States. As the 9/11 Commission put it so succinctly, ''opportunities to do harm are as great, or greater, in maritime or surface transportation.'' Since 90 percent of global trade moves in maritime containers, we can not allow these containers to be utilized to transport weapons of mass destruction. The consequences of such an event would be devastating to our way of life and our economy.

For instance, the Congressional Budget Office at my request studied the economic consequences of an attack upon the Ports of Los Angeles and Long Beach. CBO found our Nation's gross domestic product would decline by about $150 million per day for each day these two ports are closed, and that the annual cost of closing these ports would escalate to nearly $70 billion. While CBO did not analyze the cost to human life and property of such a terrorist attack, the economic impact of closing the ports could be comparable to both the attacks of 9/11 and Hurricane Katrina. We cannot afford that type of devastation.

Instead, we must secure our supply chain before we pay the high price of an attack and seek the appropriate balance between two often competing priorities: security and speed. Former Customs and Border Protection Commissioner Bonner had the vision to address this grave threat and balance those two priorities after the September 11 attacks. This balancing act resulted in the creation of two prominent homeland security programs—the Container Security Initiative, or CSI, and the Customs-Trade Partnership Against Terrorism, or C-TPAT. CSI effectively pushed our borders out by placing CBP offices in foreign ports to inspect containers before they reach our shores. C-TPAT exemplified a true public-private partnership, in which the private sector took a leading role in securing its supply chain. These programs alone are laudable—but due to the sheer magnitude of the challenge of securing the global supply chain—we must continue to improve upon these promising initiatives.

With that in mind, as chairman of the Permanent Subcommittee on Investigations, I have directed the subcommittee's 3-year effort to bolster America's port security and supply chain security. We have identified numerous weaknesses in our programs that secure the global supply chain. A brief overview of these problems illustrates the challenges confronting these efforts:

In CSI, the subcommittee found that only a de minimus number of such high-risk containers are actually inspected. In fact, the vast majority of high-risk containers are simply not inspected overseas. To make matters worse, the U.S. Government has not established minimum standards for these inspections.

The subcommittee initially found that an overwhelming proportion of C-TPAT companies enjoy the benefits before DHS conducts a thorough on-site inspection, called a validation. As of July 2006 this proportion has improved considerably to where 49 percent of the participating companies have been subjected to a validation. But this still leaves 51 percent of companies that have not been subjected to any legitimate, on-site review to ensure that their security practices pass muster.

The subcommittee found that DHS uses a flawed system to identify high-risk shipping containers entering U.S. ports. According to CBP officials, this system is largely dependent on ''one of the least reliable or useful types of information for targeting purposes,'' including cargo manifest data and bills of lading. Moreover, the subcommittee found that this targeting system has never been tested or validated, and may not discern actual, realistic risks.

Currently, only 70 percent of cargo containers entering U.S. ports are screened for nuclear or radiological

materials. One part of the problem is that the deployment of radiation detection equipment is woefully behind schedule. As of August 29, 2006, the Department of Homeland Security has deployed only 43 percent of the necessary radiation monitors at priority seaports.

These are just a handful of the significant problems the Subcommittee discovered. In short, America's supply chain security remains vulnerable to proverbial Trojan Horse—America's enemies could compromise the global supply chain to smuggle a weapon of mass destruction, WMD, or even terrorists, into this country.

This legislation tackles these concerns—and many other weaknesses—head-on.

Here are some highlights of this important legislation:

This bill addresses the problem of inadequate nuclear and radiological screening, by requiring the Secretary of DHS to develop a strategy for deployment of radiation detection capabilities and mandating that, by December 2007, all containers entering the U.S. through the busiest 22 seaports shall be examined for radiation.

The bill will require DHS to develop, implement, and update a strategic plan improve the security of the international cargo supply chain. In particular the plan will identify and address gaps, provide improvements and goals, and establish protocols for the resumption of trade after a critical incident.

Instead of the unreliable data that CBP currently demands to target high-risk containers, DHS would be required to identify and request essential information about containers moving through the international supply chain.

Under this bill, DHS would be required promulgate a rule to establish minimum standards and to procedures for securing containers in transit to the U.S.

The bill provides ongressional authorization for the CSI program, empowering CBP to identify, examine or search maritime containers before U.S.-bound cargo is loaded in a foreign port. DHS would establish standards for the use of screening and radiation detection equipment at CSI ports.

Congress also authorizes C–TPAT, the voluntary program that strengthens international supply chain and border security and facilitates the movement of secure cargo. The bill establishes certain minimum security and other requirements that applicants must meet to be eligible for C–TPAT.

As you can see from this brief recap, this bill is wide-ranging and addresses many of the critical problems facing the security of our ports. It is therefore crucial that we pass this important legislation.

Even if we pass this bill, however, our job is not yet done. We still need to look to the future and develop even more effective and advanced programs and technology. Last December, I traveled to Hong Kong to examine the world's largest port. In addition to meeting the impressive CSI team and observing the close relationship between Hong Kong Customs and CBP, I examined a promising screening concept piloted by the association that operates Hong Kong's container terminal. There, containers are screened with both x-ray and radiation detection equipment.

Effectively screening containers with both an x-ray a radiation scan is the only definitive answer to the perplexing and most important question of ''what's in the box?'' However, in Fiscal Year 2005, only 0.38 percent of containers were screened with a nonintrusive imaging device and only 2.8 percent of containers were screened for radiation prior to entering the United States. DHS' efforts have improved somewhat from last year's paltry numbers, but we have more work to do. To date, DHS still uses a risk-based approach that targets only high-risk containers. While this approach is fundamentally sound, the system used to target high-risk containers has yet to be validated or proven to accurately identify high-risk containers. Moreover, the validity of the intelligence used to enhance this system's targeting ability is increasingly in question. Thus, we need to both enhance our targeting capability and use technology to enhance our ability to increase inspections—without impeding the flow of commerce. I believe the Hong Kong concept holds great promise to achieve this goal of enhancing inspections without impeding commerce.

While the United States currently inspects approximately 5 percent of all maritime containers, the pilot project in the Port of Hong Kong demonstrates the potential to scan 100 percent of all shipping containers. Each container in the Hong Kong port flows through an integrated system featuring an imaging machine, a radiation scan, and a system to identify the container. Coupling these technologies together allows for the most complete scan of a container currently available. The Hong Kong concept or similar technology, which is described in detail in this report, holds great promise and could lead to a dramatic improvement in the efficacy of our supply chain security. These improvements would help ensure that the threat of Trojan horse infiltration by terrorists never becomes a reality.

I am pleased to say that this legislation develops a pilot program in three foreign seaports, each with unique features and varying levels of trade volume to test integrated scanning systems using non-intrusive inspection and radiation detection equipment. It requires full-scale pilot implementation within 1 year after enactment and an evaluation report would be required to be submitted to Congress 120 days after full implementation of the pilot. If the pilot programs prove successful, then full scale implementation would expeditiously follow.

The bottom line is this: we are safer now than we were yesterday, but we are not safe enough. The question then becomes: how do we get there? In the words of the hockey legend Wayne Gretzky, ''A good hockey player plays where the puck is. A great hockey player plays where the puck is going to be.'' In other words, we cannot safeguard a post-9/11 America by using pre-9/11 methods. If we think that the terrorists are not plotting their next move, we are mistaken. We must find where the gaps are in our Nation's homeland security and close them before an attack happens. That is the only way to guarantee our security.

The Port Security Improvement Act of 2006 closes gaps in our homeland security and makes us safer. In closing, I want to say that it has been an honor to work with such a distinguished and bipartisan group of Senators such as Senators STEVENS, COLLINS, GRASSLEY, INOUYE, BAUCUS and LIEBERMAN. This legislation is cogent and will be effective because of the knowledge and experience of this group of Senators. I am proud to be an original sponsor of this legislation.

Mr. President, I ask unanimous consent that a Washington Post editorial dated June 1, 2006, 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, June 1, 2006]

THE RIGHT KIND OF SECURITY

It was the Dubai port uproar that didn't roar: When a House committee voted this spring against an amendment that would have required all cargo containers bound for this country to be individually inspected in their ports of origin, Congress temporarily put to rest what could have been yet another hyped-up wave of politically motivated anxiety about American port security. Although the House later passed a bill that provides extra funding for nuclear screening and other measures, Democrats vowed to bring up the inspection issue again—and ran advertisements around the country attacking Republicans who oppose it. Before the ''inspect every container'' mantra becomes a national war cry, it's important to point out that this is a terrible idea.

Someday, perhaps, advanced X-ray technology may be developed to the point where it's possible to beam a scanner at each one of the 11 million U.S.-bound containers at every port in the world and obtain an instant assessment of what's inside. But while some promising technologies are available, none is perfect, and all of them require a human being to analyze the scans. This not only takes time but also presumes the existence of thousands of trained scan readers around the world. In the absence of such workers, U.S. port and customs authorities examine information about each container—where it's coming from, which shipping company is carrying it—and determine whether it is risky enough to merit inspection, either here or abroad. In practice, this results in inspections of about 5 percent of all containers. Even now, U.S. customs officers must rely on the cooperation of foreign authorities to carry out this many inspections.

Homeland security officials could do more. Only about half of incoming containers are

subjected to a radiation scan, a number that should rapidly be brought up to 100 percent, as the new House bill requires. Ports are also vulnerable because drivers and dockworkers are not thoroughly screened. Raising the number of U.S. inspectors in foreign ports could also make the inspection system safer. But ''inspect 100 percent of containers'' is a slogan, not a solution, and we hope lawmakers resist the temptation to use it in the election season to come.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the port security bill being considered before the Senate. This legislation is of particular importance to my home State of California, and I am deeply grateful to Senators COLLINS and MURRAY and all the others who have worked so diligently to craft this comprehensive and bipartisan effort to better protect our Nation's ports.

It is no secret that I have long considered security at our Nation's ports to be a significant hole in homeland security. The global maritime supply chain system is a vast network consisting of hundreds of ports worldwide moving millions of containers each year, and frankly I don't believe this Nation has done nearly enough since 9/11 to improve the security of our ports.

As has been repeated many times on this floor, only 5 percent of containers entering the country are inspected, meaning that millions of tons of cargo move through our ports without serious scrutiny.

With its long coastline, California is vulnerable. My home State receives containers from more than 750 different ports worldwide and is home to the Ports of Los Angeles and Long Beach, which is the busiest container port complex in the entire United States, processing 7.2 million containers in 2005.

To highlight the risk we face, I cite a Rand Corporation report released last month. If a 10-kiloton nuclear bomb, hidden in a shipping container, were to explode at the Port of Long Beach, it could kill 60,000 people instantly, expose another 150,000 to hazardous levels of radiation, and cause $1 trillion in economic losses.

Needless to say, this is an issue of great importance to my constituents and the economic welfare of the State. I believe strongly that the need for action to better protect our ports is essential and it must happen now.

I am glad to say that this port security measure takes a number of critical steps toward filling the gaps in security at our Nation's ports.

This legislation directs the Department of Homeland Security to work with State and local governments to create a strategic plan to secure our ports and prepare for a swift resumption of trade in the event of an attack. We learned by devastating experience during Hurricane Katrina what happens when Federal, State, and local governments do not have an integrated plan for responding to and recovering from a catastrophic event.

The bill authorizes $400 million in competitive grants to help ports address security vulnerabilities, $1.2 billion for rail security improvements, and $3.4 billion for mass transit security.

In addition, 1,000 more Customs and Border Protection agents will be patrolling our Nation's ports of entry thanks to this legislation.

But despite the advances of this legislation, there still remains much work to do.

We cannot stop until all containers are fully scanned for radiation and by other means including full x-rays of all containers. It was a disappointment that amendments to initiate a plan for 100 percent scanning were rejected this week.

In fact, this bill does nothing substantive to increase the number of containers inspected before reaching our shores. It is clear to me that only inspecting 5 percent of containers is unacceptable.

Moving forward, a clear test of this Congress will come when the time arrives to appropriate funds for many of the programs authorized in this bill, including grants for port security. To tell the truth, much of what is accomplished will be for naught if we don't provide the funds necessary to get the job done.

As a member of the Appropriations Committee, I plan to do whatever I can to make these funds available. They are simply too important to my State and too important to this Nation.

Again, I thank my colleagues for their efforts on this bill and express my hope that we can continue to work towards filling the gaps in security at our ports.

Mr. LIEBERMAN. Mr. President, passage of this vital port security legislation is a tremendous achievement, and I wish to extend thanks to my hard-working staff members, Jason Yanussi and Josh Levy—as well as the staff of all the involved committees—for all their effort to bring this legislation to fruition.

VISIT TO THE SENATE BY A MEMBER OF THE LEBANESE PARLIAMENT

Mr. ENZI. Mr. President, I want to announce to the Senate that we have a visiting Member of Lebanon's Parliament, Mr. Misbah Ahdab, if any Senators would like to come by and say hello.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, we are on the verge of passing major port security legislation that will provide the structures and resources needed to better protect the American people from attack through seaports that are both vulnerable points of entry and vital centers of economic activity.

I wish to thank all those who have been involved in this effort: the ranking member of the Homeland Security Committee, Senator LIEBERMAN; the Commerce Committee chairman and ranking member; Senator GRASSLEY and Senator BAUCUS on the Finance Committee. Most of all, I thank Senator PATTY MURRAY, who has been my partner in the port security legislation from conception to this day. It has been a great honor and pleasure to work with her.

I have a list of the hard-working staff, my staff on the Homeland Security Committee, who have worked on this issue. I ask unanimous consent that a list of their names be printed in the RECORD.

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

PORT SECURITY TEAM

Rob Strayer, Mark Winter, Jon Nass, Allison Boyd, Amy Hall, Melvin Albritton, Mark LeDuc, Jane Alonso, Ann Fisher, John Grant, Asha Mathews, Kurt Schmautz, Jay Maroney, Amanda Wood, Jennifer Hemingway, Sarah Taylor, Brooke Hayes, Kate Alford, Amanda Hill, Priscilla Hanley, Monica Wickey, and Tom Bishop.

Detailees: Steve Midas, Coast Guard; Jennifer Boone, FBI; and Mike Moncibaiz, CBP.

Ms. COLLINS. I see our colleagues are eager to vote, so I yield the floor.

The PRESIDING OFFICER. Who seeks time? The Senator from Hawaii?

Mr. INOUYE. Mr. President, this is a bipartisan measure. I am proud to support this bill. I believe all that has to be said has been said. But I would like to thank those on our side who have been helpful: Dabney Hegg and her baby, Sam Whitehorn, Lila Helms, Gael Sullivan, Stephen Gardner, James Assey, and Margaret Cummisky. Without their help, we would still be here.

Mrs. MURRAY. Mr. President, I add my voice to all Senators who in a bipartisan way have helped move this bill forward.

They say that ''success has a thousand authors''—and that is certainly true in the 5 years I have been working on port security.

First, I thank my partner, Senator COLLINS. Last May, I sought out Senator COLLINS because I knew she cared about port security. She had worked on it at the Homeland Security Committee and she had the knowledge and leadership to help us reach this milestone. She has been a steadfast partner every day of the past 16 months that we have worked together, and I commend her and thank her.

Senators LIEBERMAN and COLEMAN were right there with us shaping this bill in the early days and helping us move it forward.

I thank Senator STEVENS and Senator INOUYE at the Commerce Committee for their hard work, leadership, and passion.

I thank Senators GRASSLEY and BAUCUS for working with us on this bill.

I thank both of our leaders—for setting aside time so we could debate the bill.

I thank all the leaders from the maritime community who have shared their ideas and expertise with me—Mic Dinsmore, Henry Yates, and Rod Hilden at the Port of Seattle; Tim Farrell, Mike Zachary, and Julie Collins at the Port of Tacoma; and also leaders at the ports of New York/New

Jersey, Los Angeles, Long Beach, Charleston, Miami, and MassPort in Boston.

I want to thank security experts, especially Admiral James Loy and Dr. Stephen Flynn, for their thoughtful input on our bill.

Finally, there are a number of staff members who helped shape this bill.

Brian White—who now runs Cargo Security Policy at DHS, and Michel Bobb—who is at OMB—provided critical help.

I thank the outstanding floor staff on each side and staff from various committees who spent long hours all week working to make this bill better.

Thank you especially to: Dabney Hegg, Sam Whitehorn, Ray Shepherd, Jason Yanussi, and Ken Nahigian.

Finally, from my own staff, Jason Park and Lesley Turner have been at my side here on the floor along with Mike Spahn.

And I additionally thank Rick Desimone, Alex Glass, Pete Weissman and Matt McAlvanah from my staff.

I say to my colleagues, we are making a significant step forward in a bipartisan way this evening to finally make a difference on security in this country. I want to tell the country we still have a ways to go in getting it to conference, which I know will occur shortly, and to the President's desk, hopefully in a short amount of time as well. But I will tell you this: America can sleep better because this Congress worked together, and I thank all my colleagues.

The PRESIDING OFFICER. The minority leader.

Mr. REID. I wish to express my appreciation to all the managers and particularly Senator MURRAY, who has worked so hard, working with these amendments through the last few days. We always say nice things about Senator INOUYE, so that is nothing new. Senator MURRAY is a wonderful legislator who does such a great job.

We look forward to going to conference. We are going to do our very best to get a conference as soon as we can. It is not easy. We have multiple committees of jurisdiction. I talked with Senator SARBANES earlier today. Even Banking is now interested in being on the conference. We are going to do our best to work something out in the near future.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, securing our ports is vital to our economy. More than 11 million cargo containers enter our country every day, and waterborne cargo contributes more than $742 billion to the U.S. gross domestic product. But our ports are not isolated commercial operations. Our waterways and ports are linked to 152,000 miles of railway, 460,000 miles of underground pipelines, and 40,000 miles of interstate highways. The bill the Senate will pass today not only strengthens security at our land and seaports, it addresses trucking, railroad, and pipeline security. I believe this is the most comprehensive approach to border security we have taken to date. The provisions of this bill will help ensure the safety of our Nation, our cities, and our system of commerce.

Mr. President, the passage of this port security legislation by the Senate today will mark the end of a long Senate bipartisan, 3-committee process of which we all may be proud. The Commerce, Homeland, and Finance Committees have tremendous knowledge about our ports and the programs which protect and secure the international supply chain. It is a credit to this Senate that each committee agreed to pool their resources, put aside jurisdictional issues, and develop a strong and comprehensive piece of legislation.

I thank Senator COLLINS for her steadfast dedication to this bill, as well as Senators MURRAY, LIEBERMAN, GRASSLEY, BAUCUS, and COLEMAN. And I particularly thank my great friend and Commerce Committee cochairman, Senator INOUYE, for his lasting commitment to securing our Nation's ports.

As I said, securing our ports is vital to our economy. More than 11 million cargo containers enter our country every day, and waterborne cargo contributes more than $742 billion to the U.S. gross domestic product.

But our ports are not isolated commercial operations. Our waterways and ports link to 152,000 miles of railways, 460,000 miles of underground pipelines, and 45,000 miles of interstate highways. The bill the Senate will pass today not only strengthens security at our land and seaports; it addresses trucking, railroad, and pipeline security. I believe this is the most comprehensive approach to border security we have taken to date. The provisions in this bill will help ensure the safety of our Nation, our citizens, and our system of commerce.

This bill enhances current programs designed to gather and analyze information about cargo destined for U.S. ports, and significantly expands on the current program for randomly scanning containers. This bill moves us toward 100 percent scanning of all cargo containers entering our country once the process becomes feasible.

This bill is essential to the security of our Nation. It is my hope that the House and Senate will make this a priority and get it to the President soon.

I ask unanimous consent to have printed in the RECORD a list of the dedicated staff who worked so hard with all of us, and I yield the remainder of our time.

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

COMMITTEE STAFF INVOLVED WITH PORT SECURITY

HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE

Senator Collins's Staff: Rob Strayer, Mark Winter, Jane Alonzo, Ann Fisher, Michael Bopp (former staff), Kathy Kraninger (former staff), Melvin Albritton.

Senator Lieberman's Staff: Jason Yanussi.

Senator Coleman's Staff: Ray Shepherd.

FINANCE COMMITTEE

Senator Grassley's Staff: Stephen Schaefer, Tiffany McCullen.

Senator Baucus's Staff: Anya Landau, Brian Pomper, Mary Lisa Madell.

COMMERCE COMMITTEE

Senator Inouye's Staff: Dabney Hegg, Sam Whitehorn, Stephen Gardner, Channon Hanna, Gael Sullivan.

Senator Stevens's Staff: Dave Wonnenberg, Ken Nahigian, Pamela Friedmann (on detail from TSA), Mark Delich, Becky Hooks.

The PRESIDING OFFICER. All time has expired. 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 (H.R. 4954) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Ms. COLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—98

Alexander	Dorgan	McConnell
Allard	Durbin	Menendez
Allen	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burns	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Santorum
Cantwell	Inouye	Sarbanes
Carper	Isakson	Schumer
Chambliss	Jeffords	Sessions
Clinton	Johnson	Shelby
Coburn	Kennedy	Smith
Cochran	Kerry	Snowe
Coleman	Kohl	Specter
Collins	Kyl	Stabenow
Conrad	Landrieu	Stevens
Cornyn	Lautenberg	Sununu
Craig	Leahy	Talent
Crapo	Levin	Thomas
Dayton	Lieberman	Thune
DeMint	Lincoln	Vitter
DeWine	Lott	Voinovich
Dodd	Lugar	Warner
Dole	Martinez	Wyden
Domenici	McCain	

NOT VOTING—2

Akaka	Chafee

The bill (H.R. 4954), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kansas.

MORNING BUSINESS

Mr. BROWNBACK. I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes.

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

Mr. BROWNBACK. I ask unanimous consent the following Senators be recognized to speak: myself, for 10 minutes; Senator LINCOLN, for 10 minutes; Senator DODD, for 15 minutes; and Senator STABENOW, for 10 minutes.

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

SAFE PORT ACT

Mr. BROWNBACK. Mr. President, I congratulate my colleague from Maine on an excellent accomplishment, a huge vote on an important piece of legislation. It is critical. A number of colleagues, the Senator from Wyoming and others on both sides of the aisle, did so much good work on this legislation.

DARFUR

Mr. BROWNBACK. Mr. President, I will not take my colleagues' time for long, but I draw attention to a situation that has further developed—or devolved and deteriorated—and that is the situation in Darfur. It is a situation this Senate has spoken to often. We have spoken on resolutions, on amendments; we have added funds.

What we have feared is now upon us. We are now seeing in the IDP camps, the individuals that are displaced internally, diseases such as asthma, malaria, cholera and dysentery. We have had 12 humanitarian workers killed in the last 2 months. That is driving a number of the humanitarian groups out of the region. The NGO, the nongovernment organizations, currently now serve only 60 percent of the people they were serving. The Government of Sudan has reportedly resumed aerial bombings taking place in the northern and southern parts of Darfur.

The situation is growing worse. We don't know how many people have died already, but it is set to escalate rapidly. NGOs are fleeing because people are getting killed. The people are concentrated in the camps. They are now not getting food and clean water.

Now we have cholera, more misery, malaria and the numbers of people getting killed escalating dramatically. It is going to escalate further and more dramatically if we do not act.

We have the government in Khartoum saying they want the African Union troops out.

We do not have a big enough force there now. They are scheduled to leave the end of September. We have a United Nations group that is forming to go in, and the government in Khartoum, Sudan, is saying, We are not going to let them in.

We have African Union troops preparing to leave. We have the U.N. troops not yet prepared to come in or being allowed in. And we have chaos. There are a lot of people dying in this region. It is escalating. It is time we step up and push again.

This Senate has been excellent on this issue. The administration has been very good. I cite particularly Assistant Secretary Zoellick who spent a lot of time working on this issue, trying to bring people together, getting a peace agreement signed a couple of months ago. It was an important peace agreement.

The problem that has taken place now, after the peace agreement was signed, the African Union troops were starting to organize to pull out, the government of President al-Bashir in the Sudan decided: This is our time to take over because the rest of the world is looking at Lebanon, they are dealing with Hezbollah, the United States is focused on its election cycle. This is the time for us to move.

This is a very difficult, dire situation for people on the ground. I met with a number of the aid organizations today. Their people are getting killed, so they are pulling back, as I cited.

When this situation first started developing about 3 years ago, the very situation we are most concerned about is a lot of people getting into the displaced camps, not having access to clean water, disease spreading in the camps, spreading because of the concentration of individuals and the lack of sanitation and clean water, and we really get a mess. That is now where we are.

Mrs. BOXER. Will the Senator yield?

Mr. BROWNBACK. Yes.

Mrs. BOXER. I thank Senator BROWNBACK for raising this issue. We are in a do-or-die moment. We have been there before. I am reading that certain experts are saying in 2 weeks there could be another Rwanda.

I am very glad the Senator is speaking out. I was very glad this Senate did act, as we know, on a measure last week, actually voting to send $20 million to the African nations to carry on, as my friend points out. If they do not do it, there is a void. What will fill the void will be disease, rapes, killings and, I hate to say it, continued genocide.

I am glad the Senator raised this. The hours are running short. We did vote. It is important we use our bully pulpit in whatever way we can. I personally will be going to the United Nations on Monday literally to knock on doors. I am setting up some appointments. We have to do everything we can to prevent this worsening situation from getting to the point where it is unsalvageable.

I thank the Senator for his efforts.

Mr. BROWNBACK. I thank my colleague for her interest. I wish her Godspeed in New York with the U.N.

My colleague in Connecticut will address this same topic. It is very important to speak. We need to pass the Darfur Accountability Act. It has passed here and in the House. We need to resolve the issues.

It is important that the President, in his meetings at the U.N. for General Assembly meetings, raise this issue. It is important to press the Sudanese Government to stop the aerial bombings—they can do that first and foremost—and that the African Union forces stay until a U.N. force is put in place, we pressure the Sudanese Government to accept a U.N. force, or, if not, put in targeted sanctions toward Sudanese officials preventing traveling, dealing with their own personal accounts.

There are a series of recommendations of a number of Senators addressed in a letter to the President. It is a bipartisan effort. It is a genocide already. It is one that is set to become a far worse situation.

We really need to act.

I yield to the floor to the set of speakers listed.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I join my colleague from California in thanking Senator BROWNBACK for bringing this issue forward. He has been a tremendous supporter of taking action. He brings to light, tonight, the fact we have to act and we have to act expeditiously.

As the situation deteriorates, unfortunately, it moves closer toward a situation that we can do nothing about. I appreciate all of the Senator's efforts in what he is doing for the people of Darfur.

RURAL AMERICA MONTH

Mrs. LINCOLN. Mr. President, I was so pleased this week as the daughter of a seventh generation Arkansas farm family from rural eastern Arkansas, and it is with a tremendous amount of pride I come to the Senate today to applaud the passage of Senate Resolution 561 which designates September of 2006 as Rural America Month. I was pleased to introduce this resolution last week with Senator REID, Senator FRIST, and many of my colleagues.

Rural America means a tremendous amount to this Nation. It is the place where our values oftentimes begin and grow. We send people from rural America not just to the big cities of America, but all across the globe to exhibit those American values that grow and begin in rural America.

My values and my world view are directly tied to how I was raised in a

small town in Helena, AR, on the Mississippi River. My upbringing gave me a deep and abiding love for the rural way of life. In rural America, you learn that in order to have good neighbors, you have to be a good neighbor. Importantly, you learn by the example set for members of the community.

Growing up, I lived within walking distance from both sets of my grandparents. I learned what it meant to be a caregiver. At the age of 14 I learned from my grandparents. I learned values, I learned stories of World War I and the experiences they had during the Depression and so many other things that I captured from a real perspective—not from a textbook.

My mother would prepare dinner for our family every night, but very often she and my aunt would go back and forth and prepare a little bit extra every other night. It was my duty and my cousin's duty to take that dinner up to my grandparents and spend time with them, valuable time, where we would make them feel better, to share part of our day and they could share a story with us. I didn't realize at that age what caregiving was all about. I do now.

Being a good neighbor is something that comes easily for rural Americans. It is taught early in life. I am proud to have had the opportunity to learn that lesson by example. I see it as a model that can be applied outside the family, outside the neighborhood and to so many relationships that we, as people of a global community, have around the world, when we listen to the comments of Senator BROWNBACK and Senator BOXER talking about our neighbors across the globe and what that means to us, what our responsibility is as a global neighbor to those people in such need of protection, of sustenance of life, of education, and the ability to build for themselves a life of independence.

My love for the rural way of life I grew up in, the values it taught me, is what drives me to want to strengthen and support rural communities all over our country. With the passage of this resolution this week, the Senate has formally acknowledged the invaluable contribution that rural America makes to our country.

The experiences in my life have shown me firsthand that the more than 55 million people residing in rural America are the embodiment of the values that make our country great: community, service, hard work, family, responsibility.

Rural America provides significant contributions to our Nation, such as the safest, most abundant and affordable food supply in the world, as well as the renewable sources of energy with the potential to significantly reduce our country's dangerous dependency on foreign oil, not to mention what we could do for our environment.

Americans residing in rural areas have also made a considerable contribution to our country's freedom. Rural Americans comprise a sizable percentage of our reserve, military force abroad and the highest concentration of military veterans live in rural communities.

Additionally, police officers, volunteer firefighters, EMTs or National Guardsmen, and members of our rural communities come together in times of national emergencies to keep our country safe. I am certainly reminded of the proud, strong, courageous firefighters, Guardsmen, ambulance drivers, and so many more that responded from Arkansas to New York during September 11 and to Louisiana during Katrina and the entire gulf coast.

I am proud of my heritage in rural America. I am pleased the Senate has acknowledged we owe rural America a considerable debt of gratitude. Rural America is critical to this Nation.

I look forward to working with my colleagues to address the challenges and the obstacles that rural America faces so all in rural America can enjoy every blessing and opportunity that our Nation has to offer.

I commend my colleagues for joining me in this special effort. I want to especially commend our leader, minority leader HARRY REID, who grew up in Searchlight, NV, who knows and understands the mentality, the values, and really has a tremendous passion for those people in rural America. I am proud to have joined he and Senator FRIST and others in bringing this resolution forward.

TRIBUTE TO ANN RICHARDS

Mrs. LINCOLN. Mr. President, I also come to the floor today to pay tribute to one of the most important and unique individuals in the history of American politics, Governor Ann Richards.

As a female politician from the South, Ann Richards was a person who I considered to be a role model. She was a great American patriot who had overcome tremendous obstacles to become a valued public servant while blazing a trail for aspiring female politicians, with wit, style, and grace like no one else could produce.

I consider it my good fortune to have come to know her over the years as a friend. While I am deeply saddened by her passing, it is so difficult not to smile whenever I think of Ann. She was remarkably gifted at using her keen sense of humor to say exactly what was on her mind and to get her point across in an effective and quotable way, proving she was truly one of a kind.

Ann Richards became the first woman elected to statewide office in Texas in more than 50 years—winning a seat as treasurer in 1982. In 1990, she became the first female to be elected Governor of the State of Texas.

As Governor, she took pride in the fact that she appointed more women and minorities to State positions than any of her predecessors. During her tenure, the Texas economy enjoyed growth, despite the trend of the slumping U.S. economy.

Additionally, her audits of the State bureaucracy saved Texans $6 billion, and her reform of the State prison system resulted in fewer violent offenders being released.

Perhaps her most remarkable achievement was maintaining the respect and admiration of Texans in the midst of not being reelected to office. The poll numbers of her popularity remained above 60 percent at that time.

Ann has been noted as saying that she did not want her tombstone to read, ''She kept a really clean house,'' but, instead, preferred to be remembered by it reading, ''She opened government to everyone.''

Ann Richards will certainly be remembered as doing much more than keeping a clean house. She opened a door for me as a female politician in the South, and I know I speak for so many when I say that she continues to have my respect and my admiration.

She will certainly be dearly missed by this Senator and so many, many more across this Nation.

Thank you, Mr. President.

Mr. President, I yield to my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, let me thank our colleague from Arkansas for her eloquent comments both about rural America as well as on our wonderful friend, Ann Richards. I want to add my voice of condolence to her family and friends, not only in Texas but across this great country of ours, because she had friends that reached all across this land of ours—in fact, beyond the shores of the United States in her work after she left public life, working in the private sector as a great representative of a number of interests, including some that were offshore.

She was a remarkable person, and Senator BLANCHE LINCOLN has captured her very, very well. There are so many things I remember about her. She was a strong-willed woman. She had definite and clear views, and she was not shy about expressing them to you. But she probably had one of the best senses of humor of anyone I ever met in American politics. She could make you laugh. She could take a situation and bring up an anecdote or a story to make her point that would bring the house down.

Regardless of your point of view, Ann Richards had a gift to communicate with the American public like few other people I have ever met in public life. And it was a gift because she did so many good things with her talents.

Both as the State Treasurer of Texas and as Governor of that State, I got to know her very well, when I was the general chairman of the Democratic National Committee. She was a tremendous source of help to me in those years of 1995 and 1996 when I was campaigning and supporting Democrats across the country.

But her politics transcended partisan politics. She was beloved and admired and cared for by people of all political stripes and colors in this country. She will be sorely missed. But as Senator LINCOLN said, the memories of her are going to linger on for an awful long time. Every time you mention her name, a smile comes to your face because she brought many smiles many times on the countless occasions I heard her address audiences across the country.

I thank Senator LINCOLN and others who have spoken about her. I do not have prepared remarks, but I just wanted to express my feelings about this wonderful person.

Mrs. HUTCHISON. Mr. President, today we mourn the loss of a great Texan and certainly a trailblazer in our State. Former Governor Ann Richards passed away last night after a long battle with cancer. Today, I want to pay tribute to her because she really made a mark on our State and our Nation.

Ann Richards was the second woman to hold office in Texas as Governor and the first to be elected in her own right. When she was Governor of Texas, I was State treasurer, and we certainly had a very strong and positive working relationship. She embodied the Texas spirit as well as anyone I have ever known, and her enthusiasm for life was evident in everything she did.

I didn't agree with her on issues—sometimes I did and sometimes I didn't—but you could always respect her because she spoke straight. She told you what she could do and she told you what she couldn't do. She gave some pretty good advice along the way.

She could have chosen another career—that of entertainer—and been quite successful. She was one of the best. But instead, she chose politics—and she chose to try to make a difference in government, in our State and Nation. She was successful at that as well.

Ann Richards was born on September 1, 1933 in Lakeview, TX, very near Waco. She did grow up in Waco.

She graduated from Baylor University in 1954. She attended on a debate scholarship.

She was the mother to four children and the grandmother to eight.

One of the things she will always be remembered for is how she tried to bring women into public office—and certainly to the table—to make sure that women were represented well.

I was so struck with her after she lost the Governor's race. She, of course, lost the Governor's race the second time she ran against Governor George Bush, who became President George Bush. But I think it was the way she handled the loss that showed the real spirit that she had. She just turned the page and kept right on going.

She had a career in New York and never gave up her home in Texas. But she took New York by storm too. She was a commentator on television, always with the witty saying that people would remember.

I remember after she left the Governor's office, I was in Istanbul, Turkey. I walked into one of the markets there, and who did I see looking at rugs but Ann Richards. She was having the best time. Whatever she was doing at the time was her total absorption. She was finding out everything about those rugs.

I saw her sometimes up here in Washington when we would be working on something that would be for Texas where we would agree. She would take her side and I would take my side, working for the same cause but trying to make sure that we covered all of our respective bases.

I knew, of course, that she had cancer. I wrote her a note after the diagnosis became public.

She wrote me a note back. It was vintage Ann Richards. It was: This is just one thing you get through in life, and I'm going to get through it. She was very upbeat, very positive, just the way she would always be, tackling the task of the moment and doing it with gusto.

I did not know she was so near the end. I was sorry that it came so quickly. She will be someone whom no Texan who has ever known her or who has lived in Texas during her service will ever forget. I want to make sure the tributes to her are worthy of the contribution she made.

I yield the floor.

Mr. REID. Mr. President, I join with my distinguished colleague from Texas in expressing condolences to the bereaved family, the State of Nevada, the Democrats in the Senate and America, for the loss of Ann Richards.

She was my friend. She came to Nevada whenever I asked her to. Why did I ask her to come? Because she was entertainment plus. She was always good for a stunning speech, a stirring speech.

For those who had the good fortune this morning to listen to Public Radio, what a wonderful piece they had on Ann Richards, the many funny things she did in Texas to change the ways of Texas. She modernized Texas.

We will all miss her. It is a loss for all Americans. We are comforted to know that Ann departed this world in high spirits and humor, just as she would expect us to continue our lives.

Ms. MIKULSKI. Mr. President, I rise today to pay tribute to the life and legacy of a truly remarkable woman—Governor Ann Richards. She will long be remembered and loved for her tireless activism, her charisma and compassion, and her excellence in governance. I will also remember her as a friend and a trailblazer. Ann Richards showed women that anything and everything was possible.

Ann Richards was an original. Yet her life was the American dream. She was born in Lacy-Lakeview, TX, to her loving parents Robert Cecil Willis and Mildred Iona Warren. As a young woman, she took an early interest in politics and participated in Girls State, a youth leadership and citizenship program for high school students. She later studied at Baylor University on a debate scholarship. After earning her teaching certificate at the University of Texas, she began her remarkable career of public service as a junior high school teacher.

Governor Richards became known as an effective advocate and an accomplished political leader. In 1976, Governor Richards successfully ran for commissioner of Travis County, the same year I won my seat in the House of Representatives. She held this post until 1982, when she was elected State Treasurer—the first woman elected to a statewide office in Texas in over 50 years. In 1991, when I was the only female Democratic Senator, Ann Richards became one of the few female Governors in the country. We showed that—together—women can make change.

As Governor of Texas, Ann Richards spearheaded an economic revitalization program that expanded Texas' economy during a nationwide recession, and also led an effort to expand State funding of public schools. In 1988, she charmed the Nation with her witty, passionate remarks as the keynote speaker at the Democratic National Convention.

People have called Ann quick-witted and feisty. Well, I happen to like feisty people. She stood up for what she believed in. She fought for what she felt was right. And she made a difference. She served her Nation and she served her State.

Governor Richards' death is a tragedy but her life was a triumph. I offer my heartfelt condolences to Governor Richards' children, who were at her bedside when she passed, to her friends, and to all those whose lives she touched. She and her family are in my thoughts and prayers at this very sad time.

Mr. KENNEDY. Mr. President, I was saddened to learn that my friend Ann Richards passed away last night after a courageous battle with cancer. She was a wonderful person and an outstanding public servant, and she will be missed.

Ann brought delight, excitement, ability, and compassion to public life, and she was an American original. To her public service was a calling, and she dedicated herself wholeheartedly to the goal of building a better future for all Americans, regardless of income, race, or gender.

She was a trailblazer in many ways, and she was also one of the last great American characters in politics, someone who projected joy and optimism even in the face of adversity. None of us who were there will ever forget her brilliant keynote address to the Democratic National Convention in 1988. She was truly one of a kind.

As Governor of Texas, she fought hard for equal opportunity, appointing

more African Americans, Hispanics, and women to State office than the previous two Governors combined.

She used her skill and wit to help pass vital legislation in Congress too. I will never forget her hard work on the Civil Rights Act of 1991, the Family and Medical Leave Act, the Violence Against Women Act, and the Freedom of Access to Clinic Entrances Act.

There will never be another Ann Richards, and we will never forget her.

Mrs. FEINSTEIN. Mr. President yesterday, we lost a great politicial great woman with an incredibly energy who helped to change the attitude of Texas politics.

Ann Richards was born in Lakeview, TX, in 1933. She died yesterday, September 13, in Austin, TX, at the age of 73.

She battled cancer in the last months of her life, being diagnosed with esophageal cancer in March and undergoing chemotherapy treatments.

I would like to extend my deepest sympathy to her four children—Cecile, Daniel, Clark and Ellen—who were with her when she passed away.

Ann Richards was a homemaker and teacher before beginning her political career as a county commissioner in Travis county, TX, in 1976. Six years later, in 1982, she ran for State treasurer and won. She was reelected in 1986. Winning the office of Texas State treasurer made her the first woman elected statewide in nearly 50 years.

Like so many female politicians of our time, running for office in a male-dominated political environment took courage and determination. But Ann didn't take on these challenges only to prove that she was a worthy candidate. She wanted to show Texas, and the Nation, that all women could succeed in the same way that men had for many years. She blazed a trail for women, in politics and in life.

Two years later, in 1990, Ann Richards narrowly won the election to Governor, winning by a margin of 49 to 47 percent. Again, she fought a tough campaign battle against a male opponent. But with her fierce determination, she came out on top.

During her 4 years in the Governor's office, Ann Richards made a strong effect, championing what she referred to as the ''New Texas.''

As Governor, Ann Richards promoted women and minorities who historically were ignored in Texas politics; reformed the Texas prison system; backed proposals to reduce the sale of semiautomatic firearms and ''cop-killer'' bullets in the State; instituted the Texas State lottery to provide funding for education; revitalized the State's economy; and worked to protect the environment, particularly with a veto of legislation that would have allowed for the destruction of the Edwards Aquifer in south central Texas.

She was defeated in her 1994 reelection campaign by George W. Bush.

Near the end of her term as Governor, Ann Richards said: ''I think I'd like them to remember me by saying, 'She opened government to everyone.' ''

She was a popular figure in Texas politics, known for her white head of hair and her great sense of humor.

And she was daring, on the political stage and off. At the age of 60, she learned to ride a motorcycle.

Ann Richards will be missed. For her charisma, for her integrity, and for her honesty.

Mrs. BOXER. Mr. President, I rise today with a heavy heart, to pay tribute to a remarkable woman and patriot, Ann Richards.

There are so many words that I could use to describe Ann. She was vibrant, fiery, quick-witted, fearless, but for me the word that I think captures her best is genuine.

With Ann, what you saw was what you got. She had an authenticity that is rare in life, and even rarer in politics.

Even with all of her charisma and charm bubbling over, Ann would be the first to tell you that her life was not perfect and that she had made many mistakes over the years. But it was her embrace of those imperfections, and the wisdom to see that she could learn from her mistakes, that made her such a successful leader. People could relate to her.

When she won the Governor's office in 1990, Ann decided she really wanted to shake things up in Texas. So she made it her mission to appoint more minorities to State boards and commissions than any Governor before her.

According to the Houston Chronicle, about 44 percent of her appointees were female; 20 percent Hispanic; and 14 percent Black. That is in comparison to her two predecessors, who had given more than 77 percent of their appointments to White men.

So not only did Ann blaze a trail by being the first woman elected Governor of Texas in her own right, but she opened the doors of the State house to those who otherwise would have been in the back of the line.

Why? Because she understood that you can't just talk the talk, you've got to walk the walk. She knew that change was a good thing, even if it made people squirm in their boots.

There are a lot of people talking today about what a tremendous loss this is for Texas. I heard our President, George W. Bush say that, ''Ann loved Texas. And Texans loved her.'' But I have to take that one step further and say, Ann loved America, and Americans loved Ann. She barreled her way into our hearts, and for that we have been made all the richer.

I would like to offer my sincere condolences to Ann's children: Cecile, Daniel, Clark and Ellen, her eight grandchildren, and all those who knew and loved her. She will be sorely missed, but I am sure, always remembered.

DARFUR

Mr. DODD. Mr. President, I want to spend a couple minutes talking about Darfur as well. I know my colleague from Kansas addressed this issue. I know my colleague, Senator DURBIN, as well, has been working on this issue for a long time. Many of us have been watching this situation. Senator BARACK OBAMA, I know, cares about this issue. And many members of the Foreign Relations Committee have talked about it. We heard Senator BOXER, a moment ago, talk about her deep concern.

There is a tremendous amount of interest about what is happening and great concern. It is the moral responsibility of nations around the globe to help end the genocide in Darfur.

Even as we speak here this afternoon, in the closing days of this week's work, we are moving backwards in Sudan. Earlier this week, U.N. Secretary General Kofi Annan sounded the warning that Darfur is about to enter a new phase of needless bloodshed and suffering on a catastrophic scale. I do not think we ought to let this happen. It is not just our responsibility but certainly the United States should and can take a leadership role here in marshaling the forces to stop the events as they unfold to these poor, poor people who are caught in this dreadful situation.

The blame lies squarely, of course, first and foremost, with the Sudanese Government's intransigence and murderous Darfur policy. Since February of 2003, when rebel groups attacked government outposts, the Sudanese Government has used the janjaweed militia to systematically decimate tribal groups of African descent in Darfur.

The warfare has exacted a tragic toll. Men, women, and children have been slaughtered in front of their families. Women and girls are regularly raped. Entire villages are routinely destroyed and property looted by marauding militias.

Estimates suggest that the conflict in Darfur has killed as many as 300,000 people and driven 2.5 million people out of their homes. The United States has rightly labeled the Sudanese Government's actions ''genocide.''

I remember, with great clarity, former Secretary of State Colin Powell appearing before a Senate committee on which I served calling the actions in Darfur genocide, loudly and clearly. And I commend him for it. He was one of the earliest voices to do so. We know what the word ''genocide'' means and its full ramifications.

Yet there was a glimmer of hope for the violence to end in May of this year with the conclusion of a peace agreement brokered in large part by the United States. The agreement called for a cessation of hostilities between the Sudanese Government and one of three major rebel groups in Darfur.

But it is time to face the facts in Darfur. The peace is over. In fact, it never really had a chance. Hostilities between the government and the other two rebel groups never ended and are

heating up again fast in that part of the world. Thousands of Sudanese troops are massing for a fresh offensive against rebel groups. The International Rescue Committee has noted an upswing in sexual violence around refugee camps.

Meanwhile, from the very beginning, the Sudanese Government has thrown up obstacle after obstacle after obstacle in the path of the African Union peacekeeping mission in Darfur.

A New York Times report earlier this week describes these obstacles and the mission's lack of funding and authority in Darfur. A telling example is that every evening, the African Union soldiers have to turn over control of the main military airstrip in Darfur to government troops. These troops steal jet fuel from the mission and use the strip to launch attack helicopters while the African Union troops stand by helplessly. Sudanese officials have also managed to reduce the mission's already limited patrols and humanitarian efforts in Darfur.

The mission's courageous yet failing efforts to maintain the peace led the United Nations to issue Security Council Resolution 1706 on August 31 of this year. This resolution calls for the deployment of a more robust, 20,000-strong U.N. peacekeeping force.

Yet precisely because such a U.N. force would have teeth, Sudan's President has rejected it on the grounds of sovereignty. This is a flimsy excuse. There are nearly 10,000 U.N. troops stationed in southern Sudan to maintain a separate peace agreement. And now the Sudanese Government has asked African Union troops to leave by September 30—a few short days from today—when the mission's mandate expires, unless they are able to raise additional funds.

It is all too clear that the Sudanese Government is not interested in peace in Darfur. And why should it be? Sudan has friends like Russia and China who place a far greater premium in their commercial interests in the Sudan rather than on their responsibility to stop this genocide. In 2005, China purchased more than half of Sudan's oil exports, and is one of its largest suppliers of arms. Both countries, Russia and China, abstained in the most recent vote on deploying U.N. troops. They continued to give political cover to the Sudanese Government.

Yet it is also clear that the United States and the international community have a responsibility to protect and prevent genocide in Darfur. The world's heads of state affirmed this precise commitment last September as part of the Outcome Document of the High-level Plenary Meeting of the United Nations General Assembly. The document calls on the international community to protect people from ''genocide, war crimes, ethnic cleansing, and crimes against humanity'' on a case-by-case basis should their own governments fail to do so.

What could be more clear? What could be more precise? What could be more important for us to respond to?

The case for Darfur is painfully clear. And yet a year after making this commitment, we and the rest of the international community are already on the verge of reneging on it. Our ability to act remains hostage to a government that continues to perpetrate terrible crimes on its own people.

Yet instead of tightening the screws on this government, our administration, the administration here in the United States, unfortunately, is not doing what it ought to be doing. We are dangling the incentives of talks with President Bush before the Sudanese President in exchange for his accepting a U.N. force. It is almost unbelievable.

The administration refuses to talk directly to Iran and North Korea about their nuclear programs. And yet here it is bandying Presidential talks with the head of a regime that our own Government has declared guilty of genocide.

This is typical, unfortunately, of the administration's bumbling approach to diplomacy. It simply does not know when to talk and when to brandish the stick. Clearly, the stick is necessary here. Days and hours stand between us and an incredible mass of genocide.

The fact is, we need to take a harder approach on Sudan. So what can we do from here on? How do we ratchet up the pressure on the Sudanese Government and get it to stop?

First, I think the United States needs to expedite the appointment of a special envoy to Darfur.

Let me add, by the way, Senator BROWNBACK mentioned Bob Zoellick. He did a fantastic job, by the way, but he is out of government now. He is in the private sector. Unfortunately, we do not have a Bob Zoellick within the administration right now who understands it and cared about this issue to the extent he did. But I believe there are people who could be asked to perform this appointment of a special envoy from the United States. That might be enough in the short term, to begin to put the brakes on.

I recently joined colleagues in sending a letter to President Bush calling for his immediate attention. With the departure of Deputy Secretary of State Bob Zoellick, who played a very important role in negotiating the May peace agreement, a vacuum has emerged that needs to be immediately filled to ensure a coordinated, focused, and effective policy.

Our Assistant Secretary of State for African affairs was made to wait 3 days—3 days—before meeting with Sudan's President, only to hear him reject the U.N. force. This special envoy must be someone of greater stature and seniority who can command an audience and forcefully convey a message. Moreover, the envoy and President Bush himself must, in concert with our allies, publicly reject Sudan's demand that African Union troops leave and insist on the deployment of U.N. forces.

Secondly, the United States needs to convince states like China and Russia and the Arab League to apply pressure on the Sudanese Government to accept a U.N. peacekeeping force. Unless Sudan feels the heat from its business partners and friends, my fear is they will not budge.

Thirdly, the United States needs to ensure that the United Nations moves forward with deploying a peacekeeping force. Should Sudan continue to put up a wall, then I think we must implement a tight sanctions regime against the Sudanese Government, rebel forces, and others responsible for the atrocities that are being committed there.

We must also consider deploying troops regardless of Sudanese consent. For many this may raise a red flag, but, again, it is an international commitment and a moral obligation agreed to under U.N. auspices.

Should the U.N. fail to rapidly muster the requisite troops, I believe we ought to deploy an interim NATO force with U.S. participation to Darfur. At a minimum, NATO forces, which already provide logistical support to the African Union mission, should enforce a no-fly zone in Darfur pursuant to U.N. Security Council Resolution 1591 to prevent military flights over Darfur.

U.S. participation, even in a limited capacity, is critical to showing the world that the U.S. is not just about fighting terrorism when it serves our interests but also about fighting injustice, terrorism and mass murder when it affects others far away from us; that the U.S. will fight for the principles of respect for human dignity and life, and not just lecture others about them.

Fourth, despite this administration's absurd rejection of International Criminal Court, the ICC can and must play a critical role in bringing to justice those responsible for committing genocide in Sudan. Last March, Darfur became the first-ever case to be referred by the U.N. Security Council to the International Criminal Court for investigation.

The U.S. unconscionably abstained on this vote. My country abstained. When it comes to conducting an investigation of the Sudanese Government for what our own Secretary of State has called genocide, we abstained.

And we wonder why public opinion of the United States around the world is dipping. One reason is because the administration talks the talk but does not walk the walk when it comes to upholding our Nation's principles. From military tribunals that don't allow due process of law to warrantless surveillance, the administration simply thinks it is above domestic and international law. Its doublespeak continues to squander our country's political and moral authority. The U.S. needs to lend its full support to the ICC's efforts to bring to justice those found guilty of genocide in Sudan.

Mr. President, 12 years after Rwanda—and I am glad my colleague from California raised Rwanda, and Senator

BROWNBACK has as well, along with others in this body—we remain haunted by the massacre which occurred. Former President Bill Clinton publicly expressed his deepest regret at the U.S. and the international community's collective inaction to stop the killings in Rwanda. Twelve years from now, none of us in this body or the administration want to be forcing the same regrets about Darfur.

Yet, if we fail that—and it is not a matter of weeks or months, it is a matter of hours—then the very kinds of genocidal mass murder that occurred in Rwanda will continue to occur in Darfur and grow worse.

Sudan has been wracked by four decades of violence and instability. The scars of that war cut deep throughout their country. Currently, it is experiencing what the U.N. has described as the world's greatest humanitarian crisis. We stood by during Rwanda. We cannot stand by this time. We must not let history repeat itself. We must act. The international community has a responsibility to protect and the U.S. must lead by example. Let us not fail this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I thank my colleague from Connecticut for that extremely eloquent, passionate, and urgent message to the administration about what needs to be done in Darfur. I could not agree more. I have come to the floor on other occasions to speak on the same issue. We know that thousands—in fact, 2 million people—find themselves in camps with no place to call home, in a situation that is absolutely outrageous.

So I thank my colleague for coming to the floor and speaking on this important subject. I am very hopeful that my colleagues on both sides of the aisle who have spoken to this will find that their words are heeded by the administration and they will act urgently to save lives and stop the genocide.

REMEMBERING ANN RICHARDS

Ms. STABENOW. Mr. President, I rise today to remember a very good friend and a wonderful woman whom Senator LINCOLN spoke about—and I know others today have—very eloquently on the floor, and that is our good, good friend Ann Richards, the former Texas Governor and treasurer, a woman who had extraordinary abilities. Her intelligence, her tenacity, and her hard work, are well known. But we all know of her sense of humor, her wit, her ability to make us smile. Even when we were trying to struggle through a difficult issue or were upset, she was able to put this in a particular frame that would allow people to in fact smile and laugh while they were trying to work through things together.

I was very pleased to have Ann Richards come to Michigan on more than one occasion to be able to help me in my effort at running for office. It was always a wonderful time. People were so excited when I would say that Governor Ann Richards was coming to Michigan. There would be excitement from women young and old, as well as from men. We always drew a great crowd. She always lived up to every expectation, in terms of the way she spoke about life, about what people are concerned about, and a combination of both outrage at those unfair things and things that ought to be changed, coupled with that sense of humor about what we go through in our daily lives, speaking about things that we could all relate to so well, with that wonderful sense of humor.

She once told me when I was working hard and had too many things to do in a day: Debbie, you should stop right now and just focus on what is next and the rest of it will take care of itself. Do your best and focus on the next hour, the next challenge, and that is how you get through effectively in life.

Those words of encouragement and advice have stuck with me to this day. Whenever I get overwhelmed, I think of Ann Richards' voice in my ear saying: Stop and take a breath and focus on what is right in front of you and do your best, and everything else will work out just fine.

We all know she was a trailblazer in Texas politics and an inspiration to all of us who have run for office and been elected to office around the country. I will never forget when she was elected. I had the opportunity to attend her inaugural ball—I should say series of balls, where everybody was all dressed up and wearing cowboy boots, and how I watched Ann, with such relish, go from ball to ball, event to event, and watched her go down the streets in the parades in Austin that day. There was such excitement, and you could tell she was thrilled. She loved Texas and she relished the opportunity to serve Texas as its Governor. It was such a wonderful weekend of events. I will always remember that.

There are so many different quotes from her that we all remember and quote ourselves. One of my favorites is the often-repeated line about Fred Astaire. She said:

> Sure, he was great; but don't forget that Ginger Rogers did everything he did backwards and in high heels.

That was Ann Richards, speaking in a way that made a point, but made everyone smile at the same time.

In many ways, we kind of came up through politics together. We were both in county commissions in the mid-1970s. We both ended up in Statewide elected office, and we both loved and love our States with a great, great passion.

Despite all of the fame—and she was famous, a well-known person, revered around the country—she was somebody who could walk into any city in the country and have people recognize her and have great respect for her. But what I admired most was how down to earth she was. Even though this is a person who was very well known, she was somebody who was always there with a smile and would say ''How are you doing?'' She would talk to the wait staff in a restaurant, as well as the people in her party, or would speak to whomever was around her.

She began her career as a teacher. She once said that teaching was the hardest work she had ever done and, according to her, it remained the hardest work she had done to date. She was a great teacher, but not only in the classroom. Ann Richards was a teacher to me—a teacher as it relates to women having courage, stepping out, being willing to take the slings and arrows that come with the rough and tumble world of politics, standing up for what she believed in, always being accessible and available to reach out and help those of us who asked for her help, and always relishing life to the fullest.

Ann Richards will be remembered. We are so grateful for her life, for her service, and for who she was. My thoughts and prayers go out to her children and her grandchildren.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, I join my colleagues and many others across America to express our sadness over the loss of one great person: former Texas Governor Ann Richards. There she was, with her Dairy Queen hairdo, her thick Texas twang, and her lightning fast wit. She was beloved and recognized by everybody. When she would show up on Capitol Hill, people couldn't wait to come up and shake hands and see that beautiful smile. Several times she came by my office, and our visit always started with a laugh and ended with a laugh. She was just a great person to be around.

She was born Dorothy Ann Willis in 1933, in Lakeview, a farming community near Waco. She was the only child of Iona and Cecil Willis. They came from the tiny towns of Bugtussle and Hogjaw.

At Waco High School, she dropped her first name and became just Ann. She also became the Texas state debate champion.

During her senior year, she visited Washington as a delegate to Girls Nation and, on a trip to the White House, shook hands with President Truman, one of her all time heroes.

Despite her natural political talents, it never occurred to Ann Richards to run for political office herself until later in life.

In her 20s, she taught social studies in an Austin middle school for less

than 2 years before she was required to resign because she was pregnant with her first child. She later described teaching as ''the hardest work I had ever done.''

In 1975, her husband, civil rights attorney David Richards, was approached about running for Travis County commissioner. He turned it down and said he wasn't interested, but Ann Richards was.

She won that race and went on to serve two terms as a Travis County commissioner, 8 years as Texas state treasurer, and 4 years as her State's governor.

Her 1990 election as Governor—a come-from-behind victory—made her the first woman elected governor in Texas in nearly 60 years, and the first woman to win that office without following her husband in.

As Governor, Ann Richards pursued a progressive agenda and appointed an unprecedented number of women and minorities to posts they never would have dreamed of in Texas Government.

Her family said that, as Governor, she was most proud of two actions that probably cost her re-election. She vetoed legislation that would have allowed people to carry concealed handguns. She also vetoed a bill that would have destroyed an aquifer that supplies water for much of south central Texas. She paid the political price.

Years later, when a reporter asked her what she might have done differently had she known she was going to serve only one term as Governor, Ann Richards grinned and replied: ''Oh, I would probably have raised more hell.''

She was not just a political hero. In speaking openly about her struggle with alcoholism, her decision, in 1980, to get sober, and the joy she discovered in sobriety, Ann Richards was also a source of inspiration as well to countless others who struggle with addiction.

Ann Richards rose to national prominence when she gave the keynote address at the 1988 Democratic National Convention. People remember a lot of things she said in that address.

That address includes some immortal lines, including her famous description of gender inequality: ''Ginger Rogers did everything that Fred Astaire did. She just did it backwards and in high heels.''

In other lines from that speech that are not as well remembered, Ann Richards talked about why she believed in government.

She said:

> I was born during the Depression in a little community just outside Waco, and I grew up listening to Franklin Roosevelt on the radio. It was back then that I came to understand the small truths and the hardships that bind neighbors together. Those were real people with real problems, and they had real dreams about getting out of the Depression.

She said she could still hear the voices of those ''people who were living their lives as best they could.''

She said: ''They talked about war and Washington and what this country needed. They talked straight talk.''

In politics and in her life after politics, Ann Richards used her power to try to solve the real problems of real people and enable them to live and raise their families with dignity and hope.

I'll close with one more story from Wayne Slater. He recalls that, during a public appearance several years after leaving office, Ann Richards was asked about her legacy.

She replied:

> In looking back on my life, I could of course say the predictable thing: that the greatest thing I've ever done is bear my children and have grandchildren, and all that kind of stuff. But the reality is that the greatest part of my life was the opportunity to be in public service—to make a difference for the community I live in, for the State that I love, to be able to try to make things better, whether they turned out in the fashion I expected them to or not.

Then she added:

> Sometimes it's serendipitous. Good things happen accidentally. But they're not going to happen unless well-meaning people give of their time and their lives to do that.

Ann Richards earned that legacy and more. She made a difference not only for her community and her beloved State, but to our entire Nation. She touched so many lives and changed so many lives in her life. She will be greatly missed.

Our thoughts and prayers go out to her children: Cecile, Daniel, Clark and Ellen; their spouses; and Governor Richards' eight grandchildren.

There is good news in the Richards family. Cecile received an award last night from USA Action. Of course, she couldn't be there, she was at her mother's deathbed—and that is certainly understood. But a tribute was paid to her for her active work on behalf of women across America as a leader in Planned Parenthood. She is carrying on her mother's legacy, her commitment, her family's commitment to public service. I can't think of anything that would have made Ann Richards more proud.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RURAL AMERICA MONTH

Mr. REID. Mr. President, I rise this evening to speak about an important resolution that passed the Senate last week. I introduced S. Res. 561, which designates September as Rural America Month.

I first thank the majority leader and my colleague, Senator BLANCHE LINCOLN from Arkansas, for their help in passing this resolution. For me, home means Nevada. Growing up as the son of a hard rock miner in a rural community called Searchlight, far from the bright lights of Las Vegas, has shaped my love for rural America. So when I became leader, I decided I wanted to do something to show how serious Democrats are about standing up for rural America. I couldn't think of a better person to lead this effort than BLANCHE LINCOLN from Arkansas.

I appointed her the chairman of my Rural Outreach Program, and she has done a wonderful job. She is so articulate, has that wonderful smile, and she has done things we never realized would be so effective. I publicly extend my appreciation to her for her leadership in this area. The people of Arkansas are so fortunate to have this good woman serving in the Senate.

It is our love for rural America that brings us to the Chamber today. Senator LINCOLN has been here. I appreciate her remarks very much. But it is what motivates us to support 55 million people who, like us, call rural America home. These small towns and rural communities are rich in heritage and tradition, and we need to do everything we can to protect and sustain the rural way of life.

Today, as we honor rural America, I would like to talk about some steps I believe the Senate should take to enrich rural economies, bring new and better services to small towns, enhance these pieces of fabric of America we call rural America.

During the last century, our rural communities have undergone an amazing transformation. With more than 2,000 rural counties accounting for almost 85 percent of the American landscape, the definition of what is rural often depends upon arbitrary lines of distinction. As rural economies become increasingly diversified, communities strive to adapt to the demands of a constantly evolving global community and economy. Take, for example, Elko, NV. Once, Elko was a small Basque enclave. It has grown dramatically during the past decade, and for so many years it has been growing in a way we never envisioned.

Today, Elko and the immediate vicinity produces 63 percent of the world's gold. It has recognized the challenge of relying upon the highly volatile industry, but it still carries on and does so well. The people of Elko worked together to identify local resources to foster not only growth but smart growth. As it turns out, one of Elko's most valuable assets is an unused railroad spur. Today, this is being developed and will become one of the busiest transportation hubs in the West because of the mining industry and ranching industry.

That is not all. Elko is also doing something else to capitalize on the uniqueness of their setting in the American West.

One of the reasons I am so proud of this legislation is because it honors America's farmers, ranchers, and, yes,

cowboys. Farming and ranching are the foundation of rural culture in America and continue to drive the rural economy. Today, with 95 million head of cattle, beef production in the United States is an $80 billion-a-year industry. This year, Americans will consume 25 billion pounds of beef. With the livestock they raise and the responsible stewardship of public lands, American farmers and ranchers help feed families across the country and around the world. Although less than 10 percent of the world's cattle are raised in America, we produce nearly 25 percent of the world's beef supply.

For 23 years, the Western Folklife Center has hosted the National Cowboy Poetry Festival in Elko. Each year, poets, storytellers, musicians, filmmakers, dancers, and other performers descend upon the town to celebrate these American icons. The theme for this year's gathering is ''The Ranch.''

If you talk to ranchers and farmers this year, one of the first topics you hear is the rising cost of energy. The high cost of gasoline and diesel affects all Americans, but it hits rural America very hard. These are men and women who make a living driving tractors and other large pieces of equipment, hauling their grain and moving their livestock from place to place. This is one area in particular where we can help rural America, and I believe we should.

Instead of making farmers pay for dependence on foreign oil, it is time they were paid to make America energy independent. It is within our grasp. We are at a real turning point for alternative energy. Alternative energy technologies are finally becoming cost competitive with conventional energy sources such as oil and gas. In 2005, the three largest technology IPOs were, believe it or not, solar companies. By 2009, it is likely alternative energy technology will capture 10 percent of all capital venture investments. All of this is possible if we work together to take us in a new direction.

Another hardship faced by rural Americans is the loss of jobs. In the wake of outsourcing, rural communities have been left with the daunting task of retraining workers whose only training had been for jobs that no longer exist. For example, the manufacturing industry, which is so vital to so many small towns, has been hit the hardest, with as much as 30 percent of that sent abroad. It is not unusual for someone to work their ranch or farm but also have another job, and that has been very hurtful, with these jobs being shipped overseas. It has been particularly devastating for low-skill workers who make up more than 40 percent of all rural workers.

The problem is made worse when young unskilled workers leave the workforce in search of opportunities only available beyond the county line. While it is clear rural communities need to be more aggressive in attracting new industries, the task is easier said than done.

Prospective employers need to be assured they have a pool of talented workers. With the exodus of skilled workers and an untrained workforce, few companies are willing to roll the dice. That is too bad.

Living in rural America is something that you do not see on a balance sheet. It is only a live experience. More people should experience the joy of living in rural America.

Just as good jobs are hard to find, so is good health care and good emergency response. In many parts of the country, such as Ely, NV, when there is an emergency—whether it is a small brush fire or national catastrophe—we look to our neighbors to keep our families safe. We rely on volunteer firefighters and police officers. This fact was made painfully clear after Hurricane Katrina.

That is why I feel so strongly that the Senate must do everything it can to make sure our first responders have the tools they need to get the job done right. Volunteer fire departments depend on programs such as Fire and Citizen Corps grants. Every day, rural law enforcement officials rely on the funding that the Byrne and COPS Programs provide.

Often, when we talk about veterans issues, we are talking about rural issues. Rural America is home to many U.S. veterans. In fact, according to the Census Bureau, rural and nonmetropolitan counties account for the largest concentration of veterans.

This is true for my home State of Nevada. With more than 250,000 veterans, Nevada has the third largest population of veterans, and it continues to grow. During the last decade, Nevada saw its veterans population increase by more than 30 percent—the highest increase in the country.

That is why for so many years now, I have been pushing Congress to revisit the injustice in compensation for our nation's veterans—the ban on concurrent receipt.

As too many are well aware, disabled veterans face the obstacle of forfeiting retirement pay dollar-for-dollar if they receive disability compensation. This policy is unacceptable, and I am committed to securing fair policy to provide our veterans with the entirety of their earned compensation.

I have been fighting for five years to allow for full concurrent receipt, and despite veto threats from the administration, we have made many great strides towards fair compensation for our veterans. In 2003, Congress passed my legislation allowing disabled retired veterans with at least a fifty percent disability rating to become eligible for full concurrent receipt over a ten-year period. This measure passed despite veto threats from the Bush administration.

Most recently, I have introduced legislation—S. 558—which would provide concurrent receipt to military retirees, with 20 or more years of service, who are rated less than 50 percent. It would also eliminate the 10-year phase-in period for veterans who draw their disability and retirement pay; it will also change my 2003 bill to give full concurrent receipt to all veterans with service connected disabilities. There are currently 29 cosponsors to this legislation.

Additionally, the CARES commission on veterans' health care recognized the need for a Community Based Outpatient Clinic—CBOC—in Fallon and an expansion of services at the Reno VA Medical Center. I am committed to providing Nevada's veterans with more access to quality health care options, including a new CBOC in Elko.

And finally, no discussion of helping rural America would be complete without a discussion of Broadband.

For rural America, competition and active participation in the local and global marketplaces not only means having a computer, but also access to high-speed internet services.

Rural areas are consistently left behind urban areas when it comes to federal investment in the infrastructure systems that are essential for any economy to thrive—including telecommunications systems.

Although the Internet has touched the lives of billions of people around the globe, most of rural America has been left behind even the least developed countries.

Less than a decade ago, the Internet meant email and chat rooms. Today, access to broadband Internet is so much more. With high speed internet, incredible amounts of information can change fingers at the speed of light.

However, even in rural areas where broadband access has been introduced, problems such as affordability and adoption rates remain huge obstacles to progress/leaving dial-up the only realistic option. Affordability and adoption rates are the biggest obstacles we have.

Broadband Internet has proven itself to be a potent catalyst in job creation, economic development, and a critical component of education and public safety. In fact, the deployment of broadband service to our rural areas may be as important to economic development as rural electrification was during the Great Depression.

And so, my colleagues and I are committed to investing in innovative broadband technologies so that rural communities can begin to form new kinds of partnerships, and reach new levels of connectivity.

For example, Senator Clinton has worked to link local businesses in St. Lawrence County to global markets using eBay. Many parts of St. Lawrence County are remote, and businesses have a hard time finding customers. But not on eBay. eBay also offered training to small business owners and their employees.

Senator Clinton has also previously secured Senate passage of tax incentives for telecommunications companies to deploy broadband to rural

areas. This technology will allow small businesses around New York to compete for customers around the globe.

We have seen how one small business has worked with several communities to bring free wireless internet service to nine cities in Eastern Oregon. The service is now being used to track cargo shipments on the Columbia River, monitor a munitions depot, and has improved the efficiency of the police department.

I have spent the last few moments talking about the joys and challenges felt by rural America.

As I've cited in examples today from Elko and Ely, Nevada, rural communities are coming together to create new opportunity themselves. But we here in Washington need to do everything we can to help them succeed.

We need solutions that make sense for the whole country—not just for Washington, D.C., but for places like Winnemucca, and Aurora, NE.

We can do it. And we'll be a better, stronger nation as a result.

BOXING

Mr. REID. Mr. President, I rise today to honor a momentous occasion in the history of Nevada and one of my favorite pastimes: boxing.

This September 16, 2006, marks the 100th anniversary of the longest boxing match in history fought under Queensbury rules. For more than 3 hours, 2 of the greatest boxers in the country squared off for 42 rounds in the booming mining community of Goldfield, NV. This fight's tremendous length might be important to the ''Guinness Book of World Record,'' but for Nevada, it was also an important moment in race relations during a tumultuous period in our country's history.

Boxing promoters throughout the country billed the fight as one of epic proportions. Oscar Battling Nelson was one of the toughest fighters in the land. He was nicknamed ''The Durable Dane'' for his resilient and hard-hitting style. Rather than defeat his opponents with skill, Nelson preferred to absorb the blows of his opponents and outlast them in the ring. One biographer even went so far as to say that Nelson ''gave new meaning to the word tough.''

With such fabled abilities, Nelson was the early favorite to defeat his opponent, a 32-year-old African American named Joe Gans. The Baltimore native was the reigning lightweight champion and the first American-born Black man to win a boxing title. His style was a sharp contrast to The Durable Dane: Gans was quick and fast on his feet and known as ''The Old Master.'' Rather than relying on brute strength, Gans tried to beat his opponents with skill.

Such a marquee match-up was a boxing promoter's dream and was expected to promote gold stock in the area. With a record $30,000 purse prize, the fight brought national attention to Goldfield, the largest city in Nevada at the time. But a sharp issue hung over the bout like an ominous cloud. That was the issue of race.

Before the fight began, rumors floated that Gans had thrown fights as a youth in Baltimore. So persistent were the rumors that Gans' promoter, a local saloon owner named Larry Sullivan, feared for his safety should his fighter lose. Others worried that a win by Gans could start a riot in the town.

The hostility of the town quickly evaporated once the citizens of Goldfield had an opportunity to meet Joe Gans. It was his unassuming manner—and some say a love of the craps tables—that endeared Gans to the town. Prefight negotiations only served to steer more public support to Gans' corner. Gans gave into every one of Nelson's demands, including lowering his own share of the $30,000 purse to $11,000 win or lose. He also agreed to drop his weight to 133 pounds—well below his normal fighting weight of 142 pounds.

The change in support was clearly evident to referee George Siler. He wrote: ''The men who wield the pick think that Gans has been imposed upon by Nelson's manager, and they want to see him win.'' The Goldfield News reported the shift in support saying ''. . . the camp finds itself in the unique position of wishing to see a Negro defeat a white man.'' By the start of the fight, the odds were 2–1 in favor of Gans.

The fight started in the afternoon under the hot Nevada sun. Some estimates place the ringside temperatures at more than 100 degrees. Nevertheless, more than 6,000 people—and an unprecedented 1,500 women—paid the pricey sum of $5 to watch the fight.

Surely, none of the spectators knew that they would witness one of the greatest fights in history. As usual, Nelson tried to outlast his opponents' barrage of uppercuts, hooks, and jabs. By the end of the seventh round, Nelson was bleeding from both ears and Gans knocked him to the mat. But the Durable Dane would not give up. He tried to pin Gans against the ropes, and again Gans knocked him to the mat in the 15th round. Nelson bounced back, winning the next three rounds. After almost 20 rounds, the sun began to set over the Columbia Mountain and it was clear that the fighters were tired.

But neither man would yield. Gans broke his hand in the 27th round but refused to go down. He continued to fight back against Nelson, showing little sign of the injury. At the end of the 30th round, Nelson hit Gans after the bell, causing uproar in the crowd. The referee, who had warned Nelson about fouls throughout the fight, gave him yet another warning. Finally, the Durable Dane began to lose his famed endurance, while Gans continued to pummel him. In the 42nd round, Nelson landed an intentional low blow on Gans. The referee called the fight in Gans' favor.

The telegraph wires carried the result of the fight across the country. And the town's support for Gans held strong. That night, the residents of Goldfield did not see Black or White: They saw a winner. Joe Gans, with his modest manner and stylish boxing, had won the town over. Siler wrote: ''Goldfield is a vast camp of hero worshippers tonight, and its hero is Joe Gans . . .''

This Saturday, the boxing clubs from the University of Nevada, Reno, and the University of Nevada, Las Vegas, will fight 42 rounds in honor of the Nelson-Gans match. The sounds of the closing bell for each of those 42 rounds will be from the original 1906 bell from the fight. And later that evening in nearby Tonopah, the audience will be able to watch video footage of the historic bout.

Mr. President, the accomplishments of Joe Gans and the citizens of Goldfield are worthy for recognition before the Senate. I am pleased have the opportunity to honor this important anniversary today.

CHANGING THE TIDE

Mr. LEVIN. Mr. President, as Detroit residents cope with a rise in homicides and shootings this year, city police are joining with other law enforcement agencies in an effort to stem gun-related violence through a new program. Operation Tactical Intelligence Driven Enforcement, or TIDE, was established to help determine crime patterns, identify the city's most violent offenders and ultimately prevent crime in the city of Detroit.

Operation TIDE, which began on May 5, 2006, in the Detroit Northwestern police district, involves the coordination of 10 Federal, State and local agencies. It is designed to use the expertise of each agency to better track and share intelligence on dangerous criminals. The U.S. Attorney's Office, Wayne County Prosecutor's Office, Wayne County Sheriffs Office, U.S. Marshals Service, Federal Bureau of Investigation, Michigan State Police and U.S. Drug Enforcement Administration are all involved in the project. To date, 115 people tied to gun crimes and gang violence have been arrested. The program is funded by a $600,000 grant through the Federal Project Safe Neighborhoods campaign against guns and gang violence and is currently being expanded into the other three police districts.

Operation TIDE expands upon the current Project Safe Neighborhoods initiative strategy of suppression, deterrence, prevention/intervention, investigation, prosecution and public awareness. Project Safe Neighborhoods is a long-term campaign that has assisted in taking many violent offenders off the streets of Detroit. Since its inception in 2001, Project Safe Neighborhoods has played an important role in a 34 percent reduction in violent crime and a 73 percent increase in firearm prosecutions nationally. In the Detroit area, it has resulted in more than 800 Federal gun prosecutions. Project Safe

Neighborhoods public awareness campaign has resulted in hundreds of tips leading to prosecution.

Ella Bully-Cummings, chief of the Detroit Police Department, described Operation TIDE by saying:

> Our strategy is to supercharge our crime prevention and enforcement efforts to reduce violent crimes using the intelligence and resources of all law enforcement agencies. Our police officers work every day at addressing active and potential crime in our city limits. By collecting and disseminating the acquired intelligence among partnering agencies, crime patterns will be swiftly identified.

I would like to take this opportunity to thank all the Federal, State, and local law enforcement officials for their outstanding service and their vital contributions to the safety of our communities. Their commonsense approach plays a significant role in decreasing gun violence. I am hopeful that the 109th Congress will do more to support their efforts by taking up and passing sensible gun safety legislation.

NSA-RELATED BILLS AND PROPOSED CHANGES TO WAR CRIMES ACT

Mr. LEAHY. Mr. President, earlier today the President visited Capitol Hill for a closed-door meeting with House Republicans. It is not often the President takes time out of his busy schedule to come to Congress. But to meet only with Republicans is wrong and divisive.

After his closed door meeting, the President talked about working together, in a bipartisan way. His walk does not match his talk. I wish he would act as a uniter and work with all of us on behalf of all Americans. Regrettably, it appears that, once again, this President has chosen to act in a partisan way in his role as Republican-in-Chief. That is wrong.

I hope that all Senators will recognize their responsibility to all Americans and exercise their best independent judgment, rather than taking orders from the head of their political party.

In the Judiciary Committee yesterday, Senators did exercise that kind of independent judgment when we joined together in a bipartisan way to report a bipartisan bill that would amend the Foreign Intelligence Surveillance Act and reign in the Administration's warrantless domestic wiretapping program. That bill, S. 3001, the bill cosponsored by Senator SPECTER and Senator FEINSTEIN, was the only proposal that drew bipartisan support. I urge the Majority Leader to recognize the merits of that bill and our bipartisan efforts by moving to proceed to that bill when the Senate turns its attention to these matters.

This bipartisan bill was authored by Senator FEINSTEIN, one of the few Senators being briefed on the Presidents program of domestic surveillance without warrants. It is intended to ensure our intelligence community can protect our nation with the necessary court oversight. It will bring the President's program within the law.

It stands in stark contrast to the White House-endorsed bill that grants sweeping authority to the Executive Branch for a program about which we know very little. The Bush-Cheney Administration has refused Congress's requests for information. Since when did Congress become an arm of the Executive Branch? Since when was the Senate reduced to a rubberstamp? Oversight means accountability. Oversight makes Government work better. It prevents abuses and corruption. We need Government to be as competent and accountable as it can be in fighting terrorism.

I have been attempting to clarify the facts and the law relating to the Administration's warrantless wiretapping program since it was first disclosed in December 2005. During the ensuing eight months, we have made numerous efforts to get straight answers from the Administration regarding the nature, scope and purported legal basis of this program. Our efforts were rebuffed by the most flagrant and disrespectful stonewalling of any Administration that I have seen in my 32 years in Congress.

While refusing to answer even our most basic questions about its secret spying program, the Administration claimed that Congress approved the program when it authorized the use of military force in Afghanistan—although Attorney General Gonzales had to admit that this was an ''evolving'' rationale not present at the time Congress considered its action. The Administration claimed that even if they violated the Foreign Intelligence Surveillance Act, the President's powers and their view of the ''unitary executive'' must trump the law and the authority of Congress. Not since the rationalization of Richard Nixon for actions during the White House horrors and Watergate scandal have we heard such a claim. And, of course, the Administration claimed it had all the authority it needed and no new legislation was needed.

The bill the Chairman negotiated with the White House, in my view, contains several fundamental flaws:

The bill makes compliance with FISA entirely optional, and explicitly validates the President's claim that he has unfettered authority to wiretap Americans in the name of national security. In other words, it suggests that FISA is unconstitutional—a claim for which there is no judicial precedent and very little academic support—and invites the President to ignore it.

The bill abandons the traditional, case-by-case review contemplated by FISA and introduces the concept of ''program warrants.'' If that novel concept is constitutional—which I doubt—a single FISA court judge could approve whole programs of electronic surveillance that go far beyond the President's program.

The bill immunizes from prosecution anyone who breaks into a home or office in the United States to search for foreign intelligence information, if he is acting at the behest of the President. I would have thought that electronic surveillance is a large enough area to address in one bill. But apparently, the Administration was unwilling to address electronic surveillance without also reaching for new powers to break into Americans' homes.

We should not grant that kind of blank check to the Executive for a secret program we know little about. Instead, we should consider the bipartisan alternative the Judiciary Committee has endorsed. The Specter-Feinstein bill is an approach that seeks accountability while ensuring tools to mount a strong fight against terrorism.

The Majority Leader has an opportunity to unite the Senate and Americans around this smarter, stronger proposal that will help protect Americans as well as the values that we hold dear as a Nation. I hope that he seizes that opportunity.

On a related note, I was a little surprised to hear the Chairman say earlier today that the Judiciary Committee was forwarding proposed language changes to the War Crimes Act to the Armed Services Committee. I agree with the Chairman that amending the War Crimes Act is a matter in the jurisdiction of the Judiciary Committee, but I am very concerned about the way in which this important issue has come up.

The Chairman announced yesterday in the middle of a special business meeting that the Committee would be discussing a proposal. That was news to me and the other Democratic members of the Committee, who had not seen nor heard of the proposal. The Chairman said that a bill had been distributed Tuesday afternoon, but Democrats were not included in any such distribution.

This is a very serious issue. It certainly requires meaningful review and input from Senators of both parties. It is a subject about which I care a great deal about.

This issue is being considered by the Armed Services Committee. Senator WARNER is working with Senator LEVIN, and all members of that Committee. I understand that they are also consulting with the top military lawyer, who have been ignored by this Administration. I have seen the letters from GEN Powell and GEN Vessey on the importance of upholding our treaty obligation and acting in the best interests of protecting Americans throughout the world.

GEN Powell wrote: The world is beginning to doubt the moral basis of our fight against terrorism. To refine Common Article 3 would add to those doubts. Furthermore, it would put our own troops at risk. He speaks from the perspective of a former chairman of the Joint Chiefs of Staff and a former Secretary of State.

GEN Vessey signaled what relaxing our adherence to Common Article 3 of the Geneva Convention would do: ''First, it would undermine the moral basis which has generally guided or conduct in war throughout our history. Second, it could give opponents a legal argument for the mistreatment of Americans being held prisoners in time of war.''

I worked hard, along with many others of both parties, to pass the current version of the War Crimes Act. I think the current law is a good law, and the concerns that have been raised about it could best be addressed with minor adjustments, rather than with the sweeping changes suggested here.

In 1996, working with the Department of Defense, Congress passed the War Crimes Act to provide criminal penalties for certain war crimes committed by and against Americans. The next year, again with the Pentagon's support, Congress extended the War Crimes Act to violations of the baseline humanitarian protections afforded by Common Article 3 of the Geneva Conventions. Both measures were supported by a broad bipartisan consensus, and I was proud to sponsor the 1997 amendments.

The legislation was uncontroversial for a good reason. The purpose and effect of the War Crimes Act as amended was to provide for the implementation of America's commitment to the basic international standards we subscribed to when we ratified the Geneva Conventions in 1955. Those standards are truly universal: They condemn war criminals whoever and wherever they are.

That is a critically important aspect of the Geneva Conventions and our own War Crimes Act. When we are dealing with fundamental norms that define the commitments of the civilized world, we cannot have one rule for us and one for them, however we define ''us'' and ''them.''

I am disturbed by the draft legislation, which seems to narrow the scope of the War Crimes Act to exclude certain violations of the Geneva Conventions and which could have the effect of retroactively immunizing past violations that may have been committed by U.S. personnel.

The narrowing of these definitions have the potential effect of immunizing past war crimes. It also could well prevent us from prosecuting rogues who we all agree were out of line like the soldiers who mistreated prisoners at Abu Ghraib.

Many of the despicable tactics used in Abu Ghraib—the use of dogs, forced nudity, humiliation of various kinds—do not appear to be covered by the narrow definitions this draft would incorporate into the War Crimes Act. If this were the law, and the Abu Ghraib abuses had come to light after the perpetrators left the military, they might not have been brought to justice. The President and the Republican leader have conceded that the conduct at Abu Ghraib was abhorrent, and the perpetrators did need to be brought to justice. I hope the President and Congressional Republicans will not now pass legislation that prevents us from bringing people who commit these same despicable acts to justice.

I recognize the concerns about American servicemen and women or government employees being subjected to prosecutions for conduct that could be seen as ambiguous. I believe the War Crimes Act, as is, would not support prosecutions for conduct that was less than abhorrent. Indeed, to date, the Bush Administration has not brought a single charge pursuant to the War Crimes Act.

I would support amending the War Crimes Act so that only ''serious'' violations of Common Article 3 of the Geneva Conventions were prosecutable under the War Crimes Act. This fix would address any legitimate fears without creating a list of covered conduct that excludes much of the conduct that is most troubling.

Let me be clear. There is no problem facing us about overzealous use of the War Crimes Act by prosecutors. In fact, as far as I can tell, the Ashcroft Justice Department and the Gonzales Justice Department have yet to file a single charge against anyone for violation of the War Crimes Act. Not only have they never charged American personnel under the Act, they have never used it to charge terrorists either.

The President and the Congress should not be in the business of immunizing people who have broken the law, made us less safe, turning world opinion against us, and undercutting our treaty obligations in ways that encourage others to ignore the protections those treaties provide to Americans. We should be very careful about any changes we make.

I yield the floor.

CRANIOFACIAL ACCEPTANCE MONTH

Mr. PRYOR. Mr. President, I rise today to call attention to the fact that September has been designated as Craniofacial Acceptance Month. Craniofacial abnormalities are abnormalities that affect the skull and face. According to the National Institute of Dental and Craniofacial Research, ''craniofacial defects are among the most common of all birth defects. These disorders are often devastating to parents and children alike. Surgery, dental care, psychological counseling, and rehabilitation may help ameliorate the problems, but often at a great cost and over many years.'' Victims of craniofacial anomalies usually have to endure many expensive procedures throughout their lifetimes, the costs of which can add up to cost millions of dollars.

Facial deformities give their victims a variety of aesthetic and developmental problems that differ in severity and occurrence. The common condition, cleft lip, an abnormality where the lip does not completely connect, can vary from a simple disconnect to a gaping opening that goes from the lip to the nose. It is easy to understand the developmental and respiratory problems this could present. Fortunately, this condition can usually be corrected through one or two simple reconstructive surgeries. But what about other anomalies that are not as easily corrected like craniosynostosis, a condition where the soft spots of an infant's skull close too early, hindering normal brain and skull growth? Or Goldenhar syndrome, where one side of the face is underdeveloped affecting the mouth, ear and jaw? Unfortunately these do not represent the most severe or rarest craniofacial defects.

At only 10 months old, Wendelyn Osborne, who grew up in the small town of Ashdown, AR, was diagnosed with Craniometaphyseal Dysplasia, or simply CMD. CMD is a rare affliction which affects only 200 people worldwide and was depicted in the 1985 movie ''Mask'' starring Cher. CMD involves an overgrowth of bone which never deteriorates. This caused, in her case, an abnormal appearance, bilateral facial paralysis and deafness. Other cases can include those characteristics as well as blindness and joint pain. Yet despite the challenges she has faced, Wendelyn's life has truly been blessed. Her life expectancy was only 14 years at birth, but after 17 reconstructive surgeries and two hearing aids, Wendelyn is still alive today at the age of 40. It was not until 2003 that Wendelyn was able to meet and interact with other people with craniofacial conditions. She attended the Annual Cher's Family retreat and was introduced to CCA, the Children's Craniofacial Association. Wendelyn saw the impact of support and encouragement through the programs and the families associated with CCA, and has been active with the organization ever since.

CCA has designated September as National Craniofacial Acceptance Month in hopes of raising awareness of individuals with facial differences. It is not a secret that appearance plays a key part in how individuals are accepted in our society. People with facial differences, in addition to medical problems, have a much harder time adjusting in society and developing successful relationships. Such individuals have to deal with a series of consequences that arise from uncontrollable circumstances of their birth. Marking September as National Craniofacial Acceptance Month brings attention to an issue that can no longer be ignored.

Hopefully, by raising awareness of craniofacial defects, our larger society will begin to show understanding and acceptance of those who live with these physical, medical, and emotional challenges. Understanding and increased

public awareness of craniofacial disorders and abnormalities would let people like Wendelyn Osborne and hundreds of thousands of innocent individuals know that they are not unwanted and not alone in their battle with craniofacial conditions. I would like to commend CCA on taking an important step to raise awareness about this issue. I join the Children's Craniofacial Association in looking forward to the day when our Nation will ''look beyond the face, to the heart within.'' I salute the Children's Craniofacial Association, Wendelyn Osborne, and all of the children and adults who live with these challenges and the families and persons who support them.

ADDITIONAL STATEMENTS

TRIBUTE TO ARTHUR A. KROETCH

• Mr. THUNE. Mr. President, today I recognize Arthur A. Kroetch of Philip, SD, and his company Scotchman Industries, Inc. Scotchman Industries has enjoyed a long and rich history in my home State.

In October of 1956, Art Kroetch, with the help of his wife Eleanor, started a small scrap metal business in Philip. Since its start, Art's business has steadily progressed from a scrap metal business into an agricultural tool manufacturer, to a national machine tool manufacturer, and finally into what it is today, an industry leading, multinational machine tool manufacturer. Small businesses are the backbone of the great State of South Dakota and I commend Art not only for his success with Scotchman Industries, but also for his contributions to his community and State.

It gives me great pleasure to rise with the town of Philip in congratulating Scotchman Industries and Art Kroetch on 50 years of successful operation.•

TRIBUTE IN HONOR OF JUNE COLLIER FLETCHER

• Mr. SHELBY. Mr. President, today I honor June Collier Fletcher, one of Alabama's most influential women, who died on September 9, 2006. She rose from a meager upbringing to become the president and CEO of National Industries, Inc. Once the largest private employer in Montgomery, June built National Industries from the ground up to become a major automotive supplier employing 5,000 Alabamians.

June's drive and ambition allowed her to become a leader in an industry dominated by men. Under her guidance and leadership, National Industries became a flourishing $130 million-a-year electrical connection business.

Over the years, June was recognized for her hard work, dedication, and expertise and received numerous awards and accolades. She served as a member of the Commerce Department's prestigious Industrial Policy Advisory Committee, testified before Congress on automotive issues, and was a sought-after speaker on the subject of international trade. June received the Industry Week Excellence in Management Award and was selected to the Committee of 200, an organization of the top 200 women business leaders in America.

In addition to her work in the automotive industry, she was also active in petroleum exploration and production, farming, and garment manufacturing. In the 1980s, June's company was awarded a government contract to produce chemical warfare protective clothing which was used during the first gulf war.

June was an inspiration to many and I am truly grateful for the endless contributions she made to Alabama and our Nation. She will be missed by her husband Tim Fletcher; her five children, Kara Davis, Ondi Cain, Roessler Collier, Arin Burroughs, Kohler Collier; her stepchildren, Tom Fletcher, Jr., Carrie Fletcher; her 12 grandchildren and 2 great-grandchildren. She will also be missed by her many friends and the numerous people she worked with whose lives she touched throughout her magnificent journey.•

TRIBUTE TO TAMMY MAHAN

• Mr. HARKIN. Mr. President, one of the great joys of my job as Senator is working closely with talented, dedicated Iowans from all walks of life. I would like to take a moment to salute one of those exceptional people, Tammy Mahan, an outstanding social worker, and a passionate advocate for adoption and foster care.

Tammy has dedicated her life to children, and has made a profound difference in the lives of countless foster and adopted youngsters in Iowa and across the United States. In her ''day job,'' Tammy works at Children and Families of Iowa, where she is responsible for assisting foster parents through the licensing process.

A year ago, Tammy went beyond the call of duty by starting up a new organization in Des Moines called Elevate. Elevate is a growing team of young people who are active in a variety of important ways. They recruit families to foster or adopt teenagers. They educate legislators and the public about foster care and adoption. And they work to empower and increase the self-esteem of other teenagers who join the team as advocates. Elevate is doing wonderful things nationwide to encourage foster care and adoption. And the young people who are active in Elevate are just fantastic; they are passionate about their work, and they are setting a wonderful example for their peers.

I am deeply grateful to Tammy Mahan for all that she is doing in the community. By the way, Tammy and her husband Mitchell, are adoptive parents of two children. While it is easy for some professionals to talk the talk of youth empowerment and improving the system, Tammy and her family are walking the walk. Ghandi said that ''You must be the change you want to see in the world.'' And that is exactly what Tammy and the young people of Elevate are doing.

This week, Tammy Mahan is in Washington to be honored for her outstanding public service. She is receiving a 2006 ''Angel in Adoption'' award from the Congressional Coalition on Adoption. This is an honor richly deserved. I congratulate Tammy, and I salute not only her work but also the good work being done by all the young activists in Elevate.•

HONORING DR. EDGAR WAYBURN

• Mrs. FEINSTEIN. Mr. President, I join with friends and associates across the country to honor the 100th birthday on September 17 of Dr. Edgar Wayburn of San Francisco. From the time that his appreciation of the American landscape began in Macon, GA, to his role today as honorary president of the Sierra Club, Dr. Wayburn has built a lifetime of conservation activism that has immeasurably benefited our country and the world.

Across our Nation, 100,000,000 acres of some of the most beautiful landscape in the world are protected for future generations thanks in large part to the dedicated efforts of Dr. Wayburn. Never a full-time conservationist, Dr. Wayburn has dedicated weekends and hours away from his medical practice to protecting our wild lands and wildlife.

From the Mount Tamalpais State Park in California to Admiralty Island in southeastern Alaska, Dr. Wayburn's accomplishments read as an honor roll of conservation achievements. He has been a true visionary in promotion of conservation and has inspired countless other Americans.

One example in particular uniquely epitomizes Dr. Wayburn's legacy. Driving out of San Francisco International Airport, you face west toward the hills of San Mateo County. Beyond those hills, along the coast for more than 10 miles to the south and for 75 miles to the north stands one or our country's most majestic national parks—the Golden Gate National Recreation Area. The park encompasses 80,000 acres in 3 counties and lies adjacent to Point Reyes National Seashore; thus more than 150,000 acres are preserved for habitat and wildlife and are enjoyed by more than 20 million people every year. Dr. Wayburn played an instrumental part in the founding of both of these national parks.

For over 100 years, the U.S. military fortified the region now home to the Golden Gate National Recreation Area. But in the 1960s the military became aware that its bunkers and missiles had little value for our Nation's defense and made plans to sell parts of the area's installations and fortifications.

Bay Area residents were determined that this magnificent landscape not be

lost to ordinary development. Here was the chance for people to see the natural world in an urban context, to look upon the wilderness from the city, and Dr. Wayburn helped lead the way. When he learned of a farsighted Interior Department proposal to preserve underused military land across the Nation for public use and enjoyment, he became the leader of the citizens' group organized to save the land at his doorstep. He also insisted upon enlargement of the original 8,000-acre proposal.

Thanks to widespread support and the indefatigable efforts of Dr. Wayburn, the campaign to protect this invaluable natural treasure was a resounding success. Congress authorized the Golden Gate National Recreation Area in 1972, which now stands as a monument to the committed efforts of so many like Dr. Wayburn.

The story of the Golden Gate National Recreation Area stands as just one of many achievements that mark Dr. Wayburn's inimitable career.

In 1999, President Bill Clinton recognized Dr. Wayburn's lifetime of service by awarding him our Nation's highest civilian honor—the Presidential Medal of Freedom. In honoring his achievements, President Clinton counted Dr. Wayburn as the person who had saved ''more of our wilderness than any other person alive.'' I can think of no more fitting praise to offer Dr. Wayburn.

Dr. Wayburn has created a legacy that will live on for generations to come, and he has made our Nation and our world a better place. I commend him on his efforts and offer my heartfelt gratitude for his service.●

MESSAGES FROM THE HOUSE

At 11:58 a.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, without amendment:

S. 2590. An act to require full disclosure of all entities and organizations receiving Federal funds.

S. 2784. An act to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, nonviolence, human rights, and religious understanding.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 114. Concurrent resolution providing for corrections to the enrollment of the bill S. 2590.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5815. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 444. Concurrent resolution extending the appreciation of Congress and the Nation to the Department of Defense organizations, military departments, and personnel engaged in the mission to achieve the fullest possible accounting for all Americans unaccounted for as a result of the Nation's wars, to the POW/MIA families and veterans who support the mission, and to foreign nations that assist in the mission.

At 5:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2864) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects and improvements to rivers and harbors of the United States, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, DUNCAN, BAKER, GARY G. MILLER of California, BROWN of South Carolina, BOOZMAN, OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. COSTELLO, and BISHOP of New York.

From the Committee on Resources, for consideration of Sections 2017, 2020, 2025, and 2027 of the House bill, and sections 3019, 5007, and 5008 of the Senate amendment, and modifications committed to conference: Mr. POMBO, Mrs. MUSGRAVE, and Mr. KIND.

ENROLLED BILLS SIGNED

At 6:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1773. An act to resolve certain Native American claims in New Mexico, and for other purposes.

H.R. 866. An act to make technical corrections to the United States Code.

H.R. 2808. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

At 6:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6061. An act to establish operational control over the international land and maritime borders of the United States.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5815. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes; to the Committee on Veterans' Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 444. Concurrent resolution extending the thanks of Congress and the Nation to the Defense POW Missing Personnel Office, the Joint POW MIA Accounting Command of the Department of Defense, the Armed Forces DNA Identification Laboratory, the Air Force Life Sciences Equipment Laboratory, and the military departments and to the Socialist Republic of Vietnam for their efforts to achieve the fullest possible accounting of all Americans unaccounted for as a result of the Vietnam War; to the Committee on Armed Services.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 6061. An act to establish operational control over the international land and maritime borders of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 5689. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 3901. An original bill to authorize trial by military commission for violations of the law of war, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. MCCAIN for the Committee on Indian Affairs.

*Carl Joseph Artman, of Colorado, to be an Assistant Secretary of the Interior.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. FRIST (for himself, Mr. MCCAIN, and Mrs. HUTCHISON):

S. 3892. A bill to reduce the number of deaths along the border between the United States and Mexico by improving the placement of rescue beacons, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mrs. FEINSTEIN):

S. 3893. A bill to amend the Internal Revenue Code of 1986 to increase the adjusted

gross income limitation for qualified performing artists eligible for an above-the-line deduction for performance expenses; to the Committee on Finance.

By Mr. BOND (for himself, Mr. TALENT, Mr. DURBIN, and Mr. OBAMA):

S. 3894. A bill to amend the Internal Revenue Code of 1986 to alleviate poverty by encouraging the employment of residents by empowerment zone businesses through the employment of residents in designated areas of pervasive poverty, unemployment, and general distress; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 3895. A bill to establish the Sacramento River National Recreation Area in the State of California; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 3896. A bill to provide for the return of the Fresnel Lens to the lantern room atop Presque Isle Light Station Lighthouse, Michigan, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 3897. A bill to amend titles XI and XVIII of the Social Security Act to provide for the sharing of certain data collected by the Centers for Medicare & Medicaid Services with certain agencies, research centers and organizations, and congressional support agencies; from the Committee on Finance; to the Committee on Finance.

By Mr. HAGEL:

S. 3898. A bill to amend the Homeland Security Act to provide for the health of Americans by implementing a system that detects and identifies in a timely manner diseases, conditions, and events that represent a threat to humans, animals, food production and the water supply; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN (for himself and Mr. FEINGOLD):

S. 3899. A bill to achieve balance in the foreign trade of the United States, through a market-based system of tradable certificates, and for other purposes; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. FRIST, Mr. BURR, Mr. CORNYN, and Mr. BENNETT):

S. 3900. A bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data; to the Committee on Finance.

By Mr. WARNER:

S. 3901. An original bill to authorize trial by military commission for violations of the law of war, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. BAUCUS:

S. 3902. A bill to provide for education competitiveness; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. Res. 570. A resolution designating the month of September as ''National American History and Heritage Month''; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. REID, Mr. MARTINEZ, Mr. SALAZAR, Mr. SANTORUM, Mrs. HUTCHISON, Mr. CRAPO, Mr. ALEXANDER, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON of Florida):

S. Res. 571. A resolution recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of the United States; considered and agreed to.

By Mr. BURNS (for himself and Ms. CANTWELL):

S. Con. Res. 115. A concurrent resolution expressing the sense of Congress with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 155

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 155, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 503

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1244

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1244, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term needs.

S. 1360

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from California (Mrs. BOXER), the Senator from Maine (Ms. COLLINS), the Senator from Ohio (Mr. DEWINE), the Senator from Kansas (Mr. ROBERTS), the Senator from Delaware (Mr. BIDEN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2475

At the request of Mr. SALAZAR, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2475, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kentucky (Mr. BUNNING), the Senator from Indiana (Mr. BAYH) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2707

At the request of Mr. SUNUNU, the names of the Senator from Maine (Ms.

SNOWE) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2707, a bill to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

S. 2750

At the request of Mr. DEMINT, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2750, a bill to improve access to emergency medical services through medical liability reform and additional Medicare payments.

S. 3238

At the request of Mr. CORNYN, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Minnesota (Mr. COLEMAN), the Senator from Florida (Mr. MARTINEZ), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 3238, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

S. 3275

At the request of Mr. ALLEN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 3275, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 3519

At the request of Mr. HATCH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3519, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 3609

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3609, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 3628

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 3628, a bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes.

S. 3705

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3705, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 3744

At the request of Mr. DURBIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3771

At the request of Mr. HATCH, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. ALLEN), and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

AMENDMENT NO. 4923

At the request of Mr. ISAKSON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 4923 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 4945

At the request of Mr. NELSON of Nebraska, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 4945 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 5003

At the request of Mr. BAUCUS, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Oregon (Mr. WYDEN), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nebraska (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD), the Senator from Maryland (Mr. SARBANES), the Senator from Vermont (Mr. LEAHY), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 5003 intended to be proposed to H.R. 4096, a bill to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

AMENDMENT NO. 5004

At the request of Mr. BAUCUS, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Oregon (Mr. WYDEN), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nebraska (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD), the Senator from Maryland (Mr. SARBANES), the Senator from Vermont (Mr. LEAHY), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 5004 intended to be proposed to H.R. 4096, a bill to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

AMENDMENT NO. 5005

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 5005 intended to be proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 5005 intended to be proposed to H.R. 4954, supra.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of amendment No. 5005 intended to be proposed to H.R. 4954, supra.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 5005 intended to be proposed to H.R. 4954, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself, Mr. MCCAIN, and Mrs. HUTCHISON):

S. 3892. A bill to reduce the number of deaths along the border between the United States and Mexico by improving the placement of rescue beacons, and for other purposes; to the Committee on the Judiciary.

Mr. FRIST. Mr. President, one cold May morning earlier this year, a Border Patrol agent found the body of a 3-year-old boy in a blue windbreaker, his arms crossed. He had died trying to cross our southern border, the youngest victim our borders have claimed this year.

The boy's mother's name is Edith Rodriguez. She is 25 years old. She attempted to cross the border illegally, in hopes that she might escape the desperate poverty of her home state of Veracruz, Mexico. Edith hired a human smuggler—a coyote.

The coyote gave his charges an illegal drug, ephedrine, to help them keep awake and moving. But Edith and her son still could not keep up with the group. So the coyote, in a cruel and heartless act, abandoned them in the desert. Alone. With no food and little water, with a dangerous drug coursing through his system, exposed to the elements—Edith Rodriguez's little boy died.

Edith Rodriguez violated the laws of the United States when she crossed the border illegally. She was wrong to violate our border. But all should agree that her son did not deserve to die.

Here are the facts: Every 18½ hours, someone dies trying to cross the border between the United States and Mexico. About a year ago, I asked the Government Accountability Office to study the deaths that take place along America's borders.

Today, my office released that study. The results are sobering, shocking, and, I strongly believe, a cause for action. Since 1995, deaths along our borders have doubled. Despite the heroic rescue efforts of the men and women of Customs and Border Protection, things have gotten worse. In 1995, 266 people

died trying to cross our borders. Last year, 427 perished.

The increases, it appears, stem largely from an increase in deaths from exposure to the elements in the Sonoran Desert in Arizona. Illegal entries, however, have not increased. Quite frankly, it is getting more dangerous to cross our border.

Until recently, CBP did not even keep a systematic count of those who died crossing our borders. We still do not have a unified national strategy for reducing the deaths. We still do not know how well our safety efforts work—if they are saving lives or not. We need to do more.

The founding document of our Nation, the Declaration of Independence, lists ''life'' first on the list of Government's responsibilities. The overwhelming majority of the people who cross our border do so in search of a better life. They take enormous risks and make enormous investments in hopes of helping their families.

Illegal immigration needs to stop. We must defend our borders. We must construct physical barriers, add detention beds, hire personnel, and equip them with better technology. But we have a higher moral obligation to protect the life of every person—every man, woman, and child—who sets foot on American soil. We must do everything in our power to preserve life.

That is why I propose the Border Death Reduction Act. I urge my colleagues to support it.

The law will implement the GAO's recommendations. It will require CBP to create a strategy for reducing border deaths. It will mandate a full count of deaths along the border. It will impose tough, new penalties on coyotes who abandon their charges, and it will expand the network of rescue beacons that people in trouble can use to call for help.

These beacons, I believe, are an absolutely vital link in our border security system. Let me explain. Rescue beacons are devices at prominent locations that individuals can activate when they need help. They are tall polls with lights at the top and radio transmitters inside. People in trouble can activate a beacon to let CBP know that they need help. We know that beacons work: CBP has already saved dozens of people based entirely on beacon alerts.

But individuals who activate beacons do not get a free pass. They will, of course, receive necessary medical treatment. But rescued individuals will still be detained and deported like anyone else who violates our borders.

Deploying more beacons in the desert will save lives in the desert and simultaneously improve the security of our frontiers.

We cannot delay. We should not rest. We must protect the lives of all those who set foot upon our soil. I urge my colleagues to support the Border Death Reduction Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3892

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 ''Border Death Reduction Act of 2006''.

SEC. 2. DEFINITION OF A RESCUE BEACON.

In this Act, the term ''rescue beacon'' means a clearly visible device with an internal power source that is placed in an area likely to experience extreme weather, that contains instructions for its use, and by means of lights, radio signals, and other means, allows individuals to alert the United States Customs and Border Protection of their presence.

SEC. 3. COLLECTION OF STATISTICS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of Customs shall begin collecting data relevant to deaths occurring at the border between the United States and Mexico, divided by sector, and including—

(1) the causes of the deaths;

(2) the total number of deaths;

(3) the location of deaths; and

(4) demographic characteristics, including the sex and approximate age of those deceased.

(b) DEVELOPMENT OF PROTOCOLS.—The Commissioner of Customs shall develop consistent, formal, written protocols for the collection of data described in subsection (a).

SEC. 4. ANNUAL REPORT ON BORDER DEATHS.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Commissioner of Customs shall submit to the Secretary of Homeland Security a report that contains—

(1) an analysis of trends with respect to the statistics collected under section (3)(a)(1) during the preceding year;

(2) an evaluation, using multivariate statistical approaches, of the Border Safety Initiative, including any rescue beacons deployed, and any successor program designed to reduce deaths along the border described in section 3(a); and

(3) recommendations of particular actions to reduce the deaths described in section 3(a).

SEC. 5. REPORT ON BEACON PLACEMENT.

(a) REPORT REQUIRED.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Secretary of Homeland Security a report on enhancing the deployment of rescue beacons.

(b) FOCUS OF REPORT.—Such report shall contain particular emphasis on enhancing the deployment of rescue beacons in the Tucson Sector.

(c) CONTENTS OF REPORT.—The report required by subsection (a) shall include—

(1) an assessment of the efficacy of the deployment of rescue beacons in light of the statistics gathered under section 3, including analysis of the locations of deaths recorded and areas frequented by illegal migrants; and

(2) recommendations on where additional rescue beacons should be placed to reduce the number of deaths in the area described by section 3 and section 5(b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to carry out the provisions of this section.

SEC. 6. DEPLOYMENT OF ENHANCED BEACON NETWORK.

(a) DEPLOYMENT OF RESCUE BEACONS.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall deploy additional rescue beacons in all areas recommended in the report required by section 5.

(b) GUIDELINES FOR PLACEMENT OF RESCUE BEACONS.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall issue to all sector chiefs formal, written guidelines for the ongoing placement and removal of rescue beacons and the appropriate response to the activation of such beacons.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,500,000 to carry out the provisions of this section.

SEC. 7. PROHIBITION ON ABANDONMENT OF ALIENS IN A BORDER ZONE.

(a) IN GENERAL.—Any person who commits an act described in section 274(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)) and abandons an alien with respect to that act in a place not within sight of a paved road or rescue beacon, shall be considered to have placed in jeopardy the life of a person as described in section 274(a)(1)(B)(iii) of such Act (8 U.S.C. 1324(a)(1)(B)(iii)).

(b) CONSTRUCTION.—Nothing in this section shall be construed to prohibit any person from being held in violation of section 274(a)(1)(B)(iii) of such Act (8 U.S.C. 1324 (B)(iii)).

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 3896. A bill to provide for the return of the Fresnel Lens to the lantern room atop Presque Isle Light Station Lighthouse, Michigan, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. STABENOW. Mr. President, I rise today to offer the Lester Nichols Presque Isle Light Station Act with my colleague, Senator LEVIN. Congressman STUPAK is introducing the companion legislation in the House of Representatives today. Our bill will restore the historic Fresnel lens to the Presque Isle lighthouse in Presque Isle Township, MI.

Michigan has the most lighthouses of any State in the Nation with a total of over 120. At one time we had over 100 manned lighthouses, more than any other State. This is not surprising considering that Michigan has 3,288 miles of shoreline along the Great Lakes. We are proud of our lighthouses and we are proud of the history and the maritime heritage that they represent. Our lighthouses are part of our identity as a State. In addition to performing as navigation aids, they remain a symbol of the importance that the Great Lakes played and continue to play in Michigan's history.

Most importantly, they are an important part of the economies of our coastal towns. Our lakeshore towns host visitors from across the country who travel to view the magnificence of our coastal areas and the lighthouses that illuminate them. These small communities are more dependent than ever on tourism dollars, and we must help them by coordinating our efforts to protect Michigan's lighthouses and promote Great Lakes' maritime culture.

In 2002 the U.S. Coast Guard, the Michigan State Historic Preservation

Officer, and the township signed a memorandum of agreement stating that upon removal from the tower, the Fresnel lens would be restored by the township in a museum type setting with assistance from the Coast Guard. In 2005, the township completed their restoration work on the lens. Unfortunately, we soon learned that the Coast Guard has another policy that prevents a Fresnel lens from being replaced once it is removed from the tower.

The result is that this lighthouse has been historically compromised. Replacing the lens in its original home for the enjoyment of all who visit our historic lighthouse will not only ensure the integrity of the lighthouse, but it will enhance the function the lighthouse provides as an active navigational aid.

Very simply, our bill requires the Coast Guard to replace the restored Fresnel lens in the Presque Isle Lighthouse.

Our bill is named after Les Nichols, who through years of hard work and perseverance has led the successful effort in the restoration of the historic 3rd Order Fresnel Lens. The Fresnel lens is an integral part of the historic value of the New Presque Isle Lighthouse and will continue to attract tourists to this region of the State. Under Lester's leadership, this historic artifact will now be able to be viewed by future generations. I also want to acknowledge the work of Peter Pettalia, the Presque Isle Township Supervisor.

I hope that all of my colleagues will support this legislation and that we can move it quickly in the remaining time we have in the Senate.

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. 3896

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 ''Lester Nichols Presque Isle Light Station Act of 2006''.

SEC. 2. RETURN OF FRESNEL LENS TO PRESQUE ISLE LIGHT STATION LIGHTHOUSE, MICHIGAN.

(a) IN GENERAL.—Subject to subsection (b), the Commandant of the Coast Guard shall modify the 2004 Agreement for Outgoing Loans (AOL) with Presque Isle Township, Michigan, in order to provide for the return of the Historic Fresnel Lens to the lantern room atop the Presque Isle Light Station Lighthouse, Michigan.

(b) CONDITIONS.—

(1) COMPLIANCE WITH APPLICABLE LAW.—Any modification under subsection (a) of the Agreement for Outgoing Loans described in that subsection shall comply with applicable provisions of section 5506 of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–518), relating to the conveyance of the Presque Isle Light Station.

(2) RETENTION OF OWNERSHIP OF LENS.—Notwithstanding the return of the Historic Fresnel Lens pursuant to subsection (a), the United States shall retain ownership of the lens.

(3) CONTINUING OPERATION OF AID TO NAVIGATION.—Notwithstanding the return of the Historic Fresnel Lens pursuant to subsection (a), the active aid to navigation, together with associated electronic and lighthouse equipment, at Presque Isle Light Station Lighthouse shall continue to be operated and maintained by the United States within the Historic Third Order Fresnel Lens at the Presque Isle Light Station Lighthouse.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 3897. A bill to amend titles XI and XVIII of the Social Security Act to provide for the sharing of certain data collected by the Centers for Medicare & Medicaid Services with certain agencies, research centers and organizations, and congressional support agencies; from the Committee on Finance; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague from Montana, Senator BAUCUS, in introducing the Medicare Data Access and Research Act. Senator BAUCUS and I have long enjoyed a good working relationship in our roles as chairman and ranking member of the Finance Committee. Our work on this bill once again demonstrates our commitment to working in a bipartisan manner.

The Medicare Data Access and Research Act establishes a process through which Federal agencies and other researchers can access Medicare data for the purpose of health services research. This might seem like a pretty mundane issue to some people, but I can assure you that it is far from it. Medicare processes 500 million claims for benefits each year; millions of prescriptions have been filled under the new Medicare prescription drug benefit.

Linking data on hospital and physician services provided to Medicare beneficiaries to prescription drug data will offer a tremendous resource for researchers in our Federal agencies, as well as those based at universities and other research centers. What of research can these data support? They can support studies and analyses related to postmarketing surveillance of prescription drugs and research on drug safety. More concretely, analyzing the Medicare claims data can help agencies, such as the Food and Drug Administration FDA, identify situations like the one involving Vioxx more quickly, and provide a new valuable tool to enable the FDA to take swifter action to protect the public's health and well-being.

The Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, and the National Institutes of Health all have missions that require the conduct of meticulous health services research. The Medicare database and access to it established under the bill we are introducing today will help these agencies fulfill their missions to study immunization rates; to develop and monitor the use of preventive screenings; conduct research on the clinical comparative effectiveness of prescription drugs; and to help prevent, diagnose, and treat disease.

To ensure access to the data, the bill requires the Secretary of Health and Human Services to enter data release agreements on an annual basis with these agencies. In entering the data release agreements, the Secretary must take appropriate steps to protect the confidentiality of the information, while maintaining the ability of researchers at Federal agencies to conduct meaningful analyses.

The bill also permits the Secretary to enter into data use agreements to permit researchers at universities and other organizations to have access to the data. As will be the case for the Federal agencies, these researchers may only use the data for purposes of advancing the public's health. They can conduct studies on the safety, effectiveness, and quality of health services.

Some people might be concerned that these data will be given to just anyone. That is not the case. In applying for data access, researchers at universities and other organizations will have to meet strict criteria. They must have well-documented experience in analyzing the type and volume of data to be provided under the agreement. They must agree to publish and publicly disseminate their research methodology and results. They must obtain approval for their study from a review board. They must comply with all safeguards established by the Secretary to ensure the confidentiality of information. These safeguards cannot permit the disclosure of information to an extent greater than permitted by the Health Insurance Portability and Accountability Act of 1996 and the Privacy Act of 1974.

The final section of the bill ensures that congressional support agencies, including the Congressional Budget Office, the Congressional Research Service, the Government Accountability Office, and the Medicare Payment Advisory Commission, also have access to data they need to carry out their functions and responsibilities. This body depends on the research and analyses conducted by those agencies to inform our deliberations and decisions on the Medicare Program.

Last year, Senator BAUCUS and I introduced the Medicare Value-Based Purchasing Act to establish a pay for performance system under Medicare. That bill was aimed at promoting quality and ensuring value under the Medicare Program. The bill that we are introducing today complements that objective. How can we promote quality and ensure value in Medicare? By having a better understanding of what services are effective, by knowing how we can help beneficiaries avoid illness and disease, by having insight about potential over-use and under-use of health care services, and by identifying troubling trends and patterns. How can we learn about those topics? By supporting rigorous health services research.

Mr. President, the Medicare Data Access and Research Act creates a sound framework for accomplishing that objective.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3897

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 ''Medicare Data Access and Research Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The new Medicare drug benefit under part D of title XVIII of the Social Security Act is delivered through private prescription drug plans. Private plans submit administrative and beneficiary level data to the Centers for Medicare & Medicaid Services as a condition of participation and payment in the new Medicare drug program.

(2) Data from the new Medicare drug benefit can be linked with hospital, ambulatory care, and other data to create a new comprehensive resource for the study of drug safety and effectiveness of medical care in older adults and low-income, disabled, and vulnerable populations. With appropriate protections for privacy, this data should be available to the Food and Drug Administration, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, and the National Institutes of Health, and university-based research centers and other research organizations interested in furthering the public health through research on the safety, effectiveness, and quality of health care services provided under the Medicare program under title XVIII of the Social Security Act.

(3) Timely and ready access to certain data from the new Medicare drug benefit will allow congressional support agencies to inform and advise Congress on the cost, scope, and impact of the new benefit and assess its quality.

SEC. 3. DRUG AND HEALTH CARE DATA RELEASE.

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1121 the following new sections:

''DRUG AND HEALTH CARE CLAIMS DATA RELEASE

''SEC. 1121A. (a) IN GENERAL.—Notwithstanding any provision under part D of title XVIII that limits the use of prescription drug data collected under such part, for the purpose of improving the public's health, the Secretary, acting through the Centers for Medicare & Medicaid Services, shall—

''(1) enter into data release agreements on an annual basis with the agencies described in subsection (b) to provide access to relevant data submitted by prescription drug plans and MA–PD plans under part D of title XVIII, excluding negotiated price concessions under such part (such as discounts, direct or indirect subsidies, rebates, and direct or indirect remunerations), and linked to hospital, physician, and other relevant medical claims, utilization, and diagnostic data collected under titles XVIII and XIX, including data from the uniform reporting systems established under section 1121(a); and

''(2) permit agencies described in such subsection to link data provided under this section with other relevant health data, including survey data, vital statistics, and disease registries, as needed by the agency in order to accomplish its research objectives.

''(b) AGENCIES DESCRIBED.—The agencies described in this subsection are as follows:

''(1) The Food and Drug Administration.

''(2) The Centers for Disease Control and Prevention.

''(3) The Agency for Healthcare Research and Quality.

''(4) The National Institutes of Health.

''(c) USE OF THE DATA PROVIDED.—Data provided under a data release agreement under subsection (a)(1) shall only be used for the following purposes:

''(1) FDA.—In the case of the Food and Drug Administration, to enhance post marketing surveillance by—

''(A) studying patterns of drug and vaccine utilization over time after a drug has been placed on the market;

''(B) studying health risks associated with such utilization, particularly with respect to improving the speed of risk identification in order to mitigate or resolve such risks;

''(C) studying drug utilization in order to promote consumer education that would allow consumers and health care providers to make informed product choices and informed drug compliance choices; and

''(D) performing such other functions, consistent with the purposes of this section and the Agency's mission, as are determined appropriate by the Secretary.

''(2) CDC.—In the case of the Centers for Disease Control and Prevention, to—

''(A) improve surveillance of clinical outbreaks and emerging threats;

''(B) study immunization rates;

''(C) study outcomes of specific diseases;

''(D) develop and monitor the use of preventive screening protocols using claims data;

''(E) study drug and medical utilization in order to promote consumer education and treatment for specific public health risks; and

''(F) perform such other functions, consistent with the purposes of this section and the Agency's mission, as are determined appropriate by the Secretary.

''(3) AHRQ.—In the case of the Agency for Healthcare Research and Quality, to—

''(A) carry out the Agency's research obligations under section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003;

''(B) conduct research consistent with the Agency's mission to improve the quality, safety, efficiency, and effectiveness of health care; and

''(C) perform such other functions, consistent with the purposes of this section and such mission, as are determined appropriate by the Secretary.

''(4) NIH.—In the case of the National Institutes of Health, to—

''(A) help prevent, detect, diagnose, and treat disease and disabilities; and

''(B) perform such other functions, consistent with the purposes of this section and the Agency's mission, as are determined appropriate by the Secretary.

''(d) TIMEFRAME FOR DATA RELEASE.—A data release agreement entered into under this section shall provide for the release of information as needed by the Agency for the uses described in subsection (c).

''(e) DATA RELEASE PROCEDURES.—

''(1) DETERMINING APPROPRIATE LEVEL AND ELEMENTS OF DATA FOR RELEASE.—

''(A) IN GENERAL.—The Secretary shall establish a process to determine the appropriate level and elements of data to be released to an Agency under this section in order to ensure that the Agency, and researchers within the Agency, are able to conduct meaningful analyses while maintaining the confidentiality of the data provided under the data release agreement.

''(B) RELATIONSHIP TO PROCEDURES FOR RELEASE TO PRIVATE RESEARCHERS.—The process established under subparagraph (A) may be analogous to the process used by the Centers for Medicare & Medicaid Services for the release of data to private researchers.

''(2) AGENCY FEEDBACK ON ANALYSES CONDUCTED.—The Secretary shall establish a process for Agencies that are provided data under a data release agreement under this section to provide the results of the analyses conducted using such data to the Centers for Medicare & Medicaid Services for use in the administration and assessment of programs administered by the Centers for Medicare & Medicaid Services, including the program under part D of title XVIII.

''(3) REVIEW OF DATA PROCEDURES.—The Secretary shall establish a process to review and update the following:

''(A) The processes established under paragraphs (1)(A) and (2).

''(B) Procedures for transmission and retention of data released under this section.

''(f) NOTIFICATION OF INACCURACIES DISCOVERED IN DATA PROVIDED.—The Secretary shall establish procedures to ensure that an Agency that is provided data under this section notifies the Secretary of any inaccuracies discovered in the data by the Agency within a reasonable time of such discovery.

''(g) REPORT.—The Secretary shall include (beginning with 2007), as part of the annual report submitted to Congress under section 1875(b), an evaluation of the data release agreements entered into under subsection (a)(1), including a description of the reports and analyses conducted by agencies using data provided under such an agreement.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

''RESEARCH CENTER AND ORGANIZATION DRUG AND HEALTH CARE DATA USE

''SEC. 1121B. (a) IN GENERAL.—Notwithstanding any provision under part D of title XVIII that limits the use of prescription drug data collected under such part, for the purpose of improving the public's health, the Secretary shall—

''(1) enter into data use agreements with the research centers and organizations described in subsection (b) to provide access to relevant data submitted by prescription drug plans and MA–PD plans under part D of title XVIII, excluding negotiated price concessions under such part (such as discounts, direct or indirect subsidies, rebates, and direct or indirect remunerations), and linked to hospital, physician, and other relevant medical claims, utilization, and diagnostic data collected under titles XVIII and XIX, including data from the uniform reporting systems established under section 1121(a);

''(2) permit research centers and organizations described in such subsection to link data provided under this section with other relevant health data, including survey data, vital statistics, and disease registries, as needed by the research center or organization in order to accomplish its research objectives; and

''(3) prepare the linked sets of data described in paragraph (1) for release not later than July 1, 2007.

''(b) RESEARCH CENTERS AND ORGANIZATIONS DESCRIBED.—The research centers and organizations described in this subsection are as follows:

''(1) A University-based research center.

''(2) Any other research center or organization—

''(A) whose primary mission is to conduct public health research; and

''(B) which the Secretary determines can appropriately conduct analyses consistent with the purposes of this section.

''(c) USE OF DATA AND PENALTIES.—

''(1) USE OF DATA.—

''(A) IN GENERAL.—Data provided to a research center or organization under a data use agreement under this section shall be used solely for purposes of research on the safety, effectiveness, and quality of, disparities in, and related aspects of health care use by individuals entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of such title, conducted for the purpose of developing and providing generalizable knowledge to inform the public health through scientific publication and other forms of public dissemination.

''(B) APPROVAL BY REVIEW BOARD FOR THE PROTECTION OF HUMAN SUBJECTS.—Such use shall be approved by a review board for the protection of human subjects.

''(C) REVIEW PROCESS.—The Secretary shall establish a review process to ensure that—

''(i) data use agreements under this section include a detailed description of how the data is to be used under the agreement; and

''(ii) such use is consistent with the purposes described in subparagraph (A).

''(2) PENALTIES.—

''(A) IN GENERAL.—A research center or organization who knowingly or intentionally uses data provided under a data use agreement under this section for any purpose other than the purposes described in paragraph (1)(A) shall be subject, in addition to any other penalties that may be prescribed by law, to—

''(i) a civil money penalty of not less than $25,000 for each infraction; and

''(ii) disqualification from receipt of any data under this section for not less than 2 years.

''(B) PROCEDURE.—The provisions of section 1128A (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(d) RELEASE OF DATA.—

''(1) IN GENERAL.—A data use agreement entered into under subsection (a)(1) shall provide for the release of information according to a schedule approved by the Secretary under the criteria developed in accordance with paragraph (2).

''(2) CRITERIA FOR APPROVING RESEARCH APPLICATIONS.—

''(A) DEVELOPMENT.—The Secretary, in consultation with health services researchers and academicians, shall develop criteria for the approval of a data use agreement under this section.

''(B) CRITERIA.—The criteria developed under subparagraph (A) shall include the following requirements:

''(i) The research center or organization has well-documented scientific expertise, a record of scholarship on the topic of the proposed study, and a likelihood of successful publication, as demonstrated by a prior record of relevant publication by key staff and other evidence of appropriate scientific qualifications of the proposed research team.

''(ii) The research center or organization demonstrates a credible capability to conduct and complete the proposed study, including experience with scientific investigations using similar types of data.

''(iii) The research center or organization demonstrates the public health importance of the proposed study, and the potential of such study to provide public knowledge needed to improve the safety, use, and outcomes of treatments, the administration of the program under title XVIII, and the care provided to individuals entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of such title.

''(iv) The research center or organization develops a data management plan that describes in detail the measures that will be implemented to safeguard the data and protect the privacy of individuals entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of such title, including any proposed data linkages.

''(v) The research center or organization enters into an agreement under which the research center or organization agrees to—

''(I) place detailed results of the proposed study in the public domain through publication in a reasonable timeframe, not to exceed 1 year after completion of such study, including a thorough description of the methodology used to conduct the study;

''(II) make available to the public, without charge, any product or tool developed using the data provided under this section; and

''(III) not sell such data to other entities or create commercial data products (such as data extracts or analytical files) using such data.

''(vi) The research center or organization and the proposed research team provide assurances that such team is independent from the sources of funding or any other party and has the right to independently and freely publish the scientific findings of the study.

''(vii) Such other requirements, consistent with the purposes of this section, as the Secretary determines appropriate.

''(3) TIMELY REVIEW AND ACTION ON REQUESTS.—The Secretary shall provide for timely review of, and action on, requests for a data use agreement under this section, taking into consideration the reasonable needs of the research center or organization.

''(4) PUBLIC DISCLOSURE.—The Secretary shall make available to the public the criteria used to grant or deny data use agreements under the criteria developed under paragraph (2)(A).

''(e) FEEDBACK BY RESEARCH CENTER OR ORGANIZATION.—

''(1) NOTIFICATION OF INACCURACIES DISCOVERED IN DATA PROVIDED.—The Secretary shall establish procedures to ensure that a research center or organization that is provided data under this section notifies the Secretary of any inaccuracies discovered in the data by the center or organization within a reasonable time of such discovery.

''(2) FEEDBACK ON DATA COLLECTION.—The Secretary shall permit researchers to provide feedback on the collection of data with respect to the programs administered by the Centers for Medicare & Medicaid Services and make recommendations with respect to the collection of additional data elements with respect to such programs.

''(f) CONFIDENTIALITY.—

''(1) DETERMINING APPROPRIATE LEVEL OF DATA TO BE PROVIDED.—The Secretary shall establish a process to determine the appropriate level of data to be provided to a research center or organization under this section in order to ensure that the center or organization, and researchers within the center or organization, are able to conduct meaningful analyses while maintaining the confidentiality of the data provided under the data use agreement.

''(2) SAFEGUARDS TO PROTECT CONFIDENTIALITY OF DATA PROVIDED.—

''(A) IN GENERAL.—The Secretary shall establish safeguards to protect the confidentiality of data after it is provided to a research center or organization under this section. Such safeguards shall not provide for greater disclosure by the research center or organization than is permitted under any of the following:

''(i) The Federal regulations (concerning the privacy of individually identifiable health information) promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(ii) Sections 552 or 552a of title 5, United States Code, with regard to the privacy of individually identifiable beneficiary health information.

''(B) CONFIDENTIALITY OF PHYSICIANS AND MEDICAL PRACTICES.—The safeguards established under subparagraph (A) shall ensure that the data provided to a research center or organization under this section that identifies individual physicians or medical practices is not released by the research center or organization, or otherwise made public.

''(g) REPORT.—The Secretary shall include (beginning with 2007), as part of the annual report submitted to Congress under section 1875(b), an evaluation of the agreements entered into under subsection (a).

''(h) REASONABLE FEE.—The Secretary may charge a research center or organization a reasonable fee based on the cost of preparing and providing data to such center or organization under this section.''.

(b) CRITERIA DEVELOPMENT AND PUBLICATION.—The Secretary shall develop and publish the criteria required under section 1121B(d)(2)(A) of the Social Security Act, as added by subsection (a), not later than 180 days after the date of enactment of this Act.

SEC. 4. ACCESS TO DATA ON PRESCRIPTION DRUG PLANS AND MEDICARE ADVANTAGE PLANS.

(a) IN GENERAL.—Section 1875 of the Social Security Act (42 U.S.C. 1395ll) is amended—

(1) in the heading, by inserting ''TO CONGRESS; PROVIDING INFORMATION TO CONGRESSIONAL SUPPORT AGENCIES'' after ''AND RECOMMENDATIONS''; and

(2) by adding at the end the following new subsection:

''(c) PROVIDING INFORMATION TO CONGRESSIONAL SUPPORT AGENCIES.—

''(1) IN GENERAL.—Notwithstanding any provision under part D that limits the use of prescription drug data collected under such part, upon the request of a congressional support agency, the Secretary shall provide such agency with information submitted to, or compiled by, the Secretary under part D (subject to the restriction on disclosure under paragraph (2)), including—

''(A) only with respect to congressional support agencies that make official baseline spending projections, conduct oversight studies mandated by Congress, or make official recommendations on the program under this title to Congress—

''(i) aggregate negotiated prices for drugs covered under prescription drug plans and MA–PD plans; and

''(ii) bid information (described in section 1860D–11(b)(2)(C)) submitted by such plans; and

''(B) access to drug event data submitted by such plans under section 1860D–15(d)(2)(A), except, with respect to data that reveals prices negotiated with drug manufacturers, such data shall only be available to congressional support agencies that make official baseline spending projections, conduct oversight studies mandated by Congress, or make official recommendations on the program under this title to Congress.

''(2) RESTRICTION ON DATA DISCLOSURE.—

''(A) IN GENERAL.—Data provided to a congressional support agency under this subsection shall not be disclosed, reported, or released in identifiable form.

''(B) IDENTIFIABLE FORM.—For purposes of subparagraph (A), the term 'identifiable form' means any representation of information that permits identification of a specific prescription drug plan, MA–PD plan, pharmacy benefit manager, drug manufacturer, drug wholesaler, or individual enrolled in a prescription drug plan or an MA–PD plan under part D.

''(3) TIMING.—The Secretary shall release data under this subsection in a timeframe that enables congressional support agencies to complete congressional requests.

''(4) USE OF THE DATA PROVIDED.—Data provided to a congressional support agency under this subsection shall only be used by such agency for carrying out the functions and activities of the agency mandated by Congress.

''(5) CONFIDENTIALITY.—The Secretary shall establish safeguards to protect the confidentiality of data released under this subsection. Such safeguards shall not provide for greater disclosure than is permitted under any of the following:

''(A) The Federal regulations (concerning the privacy of individually identifiable health information) promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(B) Sections 552 or 552a of title 5, United States Code, with regard to the privacy of individually identifiable beneficiary health information.

''(6) DEFINITIONS.—In this subsection:

''(A) CONGRESSIONAL SUPPORT AGENCY.—The term 'Congressional support agency' means—

''(i) the Medicare Payment Advisory Commission;

''(ii) the Congressional Research Service;

''(iii) the Congressional Budget Office; and

''(iv) the Government Accountability Office.

''(B) MA–PD PLAN.—The term 'MA–PD plan' has the meaning given such term in section 1860D–1(a)(3)(C).

''(C) PRESCRIPTION DRUG PLAN.—The term 'prescription drug plan' has the meaning given such term in section 1860D–41(a)(14).''.

(b) CONFORMING AMENDMENT.—Section 1805(b)(2) of the Social Security Act (42 U.S.C. 1395b–6(b)(2)) is amended by adding at the end the following new subparagraph:

''(D) PART D.—Specifically, the Commission shall review payment policies with respect to the Voluntary Prescription Drug Benefit Program under part D, including—

''(i) the factors affecting expenditures;

''(ii) payment methodologies; and

''(iii) their relationship to access and quality of care for Medicare beneficiaries.''.

Mr. BAUCUS. Mr. President, today, I am pleased to join Chairman GRASSLEY in introducing the Medicare Data Access and Research Act. This bill will take an important step to advance the safety, efficacy, and quality of health care services delivered to people under the Medicare Program and it will help improve the care delivered to all Americans.

This bill requires the Secretary of Health and Human Services, HHS, to make Medicare data accessible to Federal health agencies and the health services research community for the purpose of conducting studies that will serve the public health. As the largest single payer of health care services in the United States—covering over 40 million lives, 70 million hospital days, and processing nearly a billion physician claims per year—Medicare collects and maintains a wealth of information on the health services delivered to a significant portion of the population. This information has been a national resource for research and analysis of health care. And with the addition of the Medicare prescription drug benefit, it will be the most comprehensive resource our Nation has to study the effects of diseases and the treatments we have for them.

The Centers for Medicare and Medicaid Service, CMS, currently releases certain Medicare data to the public and more comprehensive data to the research community. This bill would build on current activities by requiring CMS to link hospital claims, physician claims, and other relevant information to data collected under the new Medicare drug benefit.

In addition, the Secretary will provide yearly access to the linked Medicare dataset to all Federal health agencies within the department, such as the Food and Drug Administration, the Centers for Disease Control, the National Institutes of Health, and the Agency for Healthcare Quality and Research. These agencies will enter into data use agreements with CMS to ensure that the type and level of Medicare data shared is appropriate, that the agencies conduct research in accordance with their missions and the purpose of furthering the public health, and that the privacy of the data is protected. The goal is to give Federal health agencies another tool to evaluate the safety, efficacy, and quality of care delivered to Medicare beneficiaries—a large segment of the health system.

This bill also provides public health researchers access to the linked Medicare dataset. Expanding access to Medicare data will open up a new era in our health system. It will enable scientists to more quickly identify both short- and long-term safety concerns with drug regimens and health treatments. It will enable more treatments to be compared. And it will promote more development of guidelines, so providers and patients know more about what works best.

Some may argue that access to linked Medicare data should not be limited to researchers and should be available for commercial purposes. But the full Medicare database should be used exclusively for the public good and not for private or commercial gain. This is the crux of this bill. Hence, the bill limits the use of data to the purpose of providing ''generalizable knowledge to inform the public health through scientific publication and other forms of public dissemination.'' Strict penalties will be imposed on any unauthorized use of the data including civil money penalties and disqualification from receiving Medicare data for at least 2 years.

CMS will publish criteria used to approve research applications to ensure that those selected are qualified and experienced to conduct analyses and maintain the confidentiality of Medicare information. Researchers will also make public their detailed results and methods within 1 year from completing their studies. They will make available to the public at no charge any tool developed through this program. They must agree not to sell data or create commercial data products using such data and abide by safeguards protecting the confidentiality of the data established by the Secretary.

The final section of the bill ensures that congressional support agencies, including the Congressional Budget Office, the Congressional Research Service, the Government Accountability Office, and the Medicare Payment Advisory Commission, also have access to the full range of data they need to carry out their functions and responsibilities. Congress depends on the research and analyses conducted by these agencies to inform our deliberations and decisions on the Medicare Program.

Last year, I worked with Senator GRASSLEY to introduce the Medicare Value-Based Purchasing Act, which establishes a pay for performance system under Medicare. An important element of that system is the collection and reporting of quality measures to CMS and to the public. The bill we are introducing today complements those activities. We can improve health care by allowing Medicare to become a value-based purchaser of services and by reporting quality measures through the Medicare Program. And we can improve health care for all by allowing rigorous health services research to be conducted using the resource of Medicare data.

Mr. President, the Medicare Data Access and Research Act will allow us to expand our knowledge of health care and improve the quality of care for all Americans.

By Mr. GREGG (for himself, Mr. FRIST, Mr. BURR, Mr. CORNYN, and Mr. BENNETT):

S. 3900. A bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data; to the Committee on Finance.

Mr. GREGG. Mr. President, I rise today to introduce the Medicare Quality Enhancement Act of 2006 to improve quality and reduce the cost of health care.

The Medicare Quality Enhancement Act addresses three important problems in our Nation's health care delivery system: rising costs, broad variations in the quality of care, and a lack of information on health care quality and cost.

Among the most pressing issues that need to be addressed in the area of health care is the issue of rapidly rising health care costs. The United States spends more on health care as a percentage of GDP than any other industrialized country. According to the Centers for Medicare and Medicaid Services (CMS), total health expenditures are estimated to be $2.16 trillion

in 2006 and are projected to rise to over $4 trillion in 2015.

The pressures of rising health care costs are being felt by consumers, providers, employers, State and local governments, and the Federal budget alike—with no end in sight. Premiums for employer-based health insurance rose by 9.2 percent in 2005—the fifth consecutive year of increases over 9 percent. Health insurance expenses are the fastest growing expense to employers, consuming more and more of each company's bottom line.

From a Federal budget perspective, over the next 10 years, Medicare will grow on average 8.5 percent to $885 billion and Medicaid will grow similarly at 8 percent to $413 billion. These programs along with Social Security will take up 56 percent of the total budget in 2016. Such rate of growth is unsustainable.

Despite this enormous level of spending, there is wide variation in the quality of the care Americans receive. In addition to the existing crisis of ever increasing costs, we are now learning that there are vast variations in the ratio of spending to outcomes, meaning that more care is not necessarily better care. A recent report by the Dartmouth Atlas Project demonstrated this point and showed no correlation between high utilization of services and high quality of care. This information provides an opportunity to improve care and reduce costs. We simply cannot afford business as usual in health care, especially when we have no way of determining the value of what we are purchasing.

The Agency on Healthcare Research and Quality (AHRQ) also reports wide variation in health care practice. AHRQ claims that millions of Americans fail to receive necessary care resulting in complications and increased costs. Others, they say, receive health care services that are completely unnecessary, which also increases costs.

These problems are compounded by a third issue the lack of information available to consumers and purchasers on quality and cost. Currently, health care consumers do not have the tools necessary to make sound quality and cost decisions about their care. The few tools that are available to them are based on limited amounts of privately held data and their analysis is often not broad enough to provide the most accurate results.

The Medicare Quality Enhancement Act gives consumers, employers, providers and others the tools they need to begin controlling unnecessary spending; improves quality of care in our nation's health care delivery system; and provides the public with reports to make informed health care decisions.

The bill works by sharing taxpayer funded Medicare data with private sector Medicare Quality Reporting Organizations (MQROs), allowing them to develop reports to measure health care quality for the public. Consumer groups, employers, insurance companies, labor unions and others have repeatedly requested access to Medicare claims data to improve the quality of the health care provided to their members, employees, and beneficiaries and to help control the ever-rising costs of health care. The Medicare Quality Enhancement Act ensures that the data collected by Medicare and paid for by the taxpayer can be utilized by qualified organizations to measure quality and control costs while protecting beneficiary privacy.

The measure also empowers consumer groups, providers, employers, insurance plans, labor unions and others by allowing them to request health care quality and efficiency reports from the newly-formed MQROs—information that will assist in better-informed purchasing decisions. Further, the bill provides for the public release of all reports, including detailed information on the methodology, standards and measures of quality used in developing the reports ensuring the information is available for the general public. In addition, MQROs that contract with the Department of Health and Human Services will be authorized to aggregate both private and public data, providing a significantly more robust assessment of both quality and efficiency.

In the development of this bill, my first goal was to protect beneficiary privacy. Specifically, the bill limits the number of MQRO participants and explicitly holds them to the strict standards of both the Health Insurance Portability and Accountability Act (HIPAA) and the Privacy Act. It also requires MQROs to have operational standards and procedures in place to provide for the security of the database. Lastly, the bill requires a privacy review by the Department of Health and Human Services of each analytical report prior to release.

The Medicare Quality Enhancement Act promotes the development of model quality standards through a newly established Quality Advisory Board within the Department of Health and Human Services and encourages the Administration to continue its extraordinary work with providers, consumers, insurers and others in the health care community toward sound quality measurement for all patients. Collaborative groups such as the Ambulatory Care Quality Alliance (AQA) and the Hospital Quality Alliance (HQA) are working hard to establish standards and the Medicare Quality Enhancement Act encourages their work to continue.

Under the bill, researchers are granted additional access to Medicare data and are allowed to report in a provider- and supplier-identifiable format as long as they meet existing strict criteria for the use of Medicare data within CMS. Some of our best information on quality and efficiency has been borne of fine academic institutions and private study and they, too, should have the opportunities to use this data to improve our health care system.

In closing, the Medicare Quality Enhancement Act is needed in order for America's health care system to improve. The public needs to understand the quality of the care they are purchasing and the time has come for the health care community to compete on quality, value, and cost payment should not simply be for the volume of care provided, but instead for the quality of the care provided.

The Medicare Quality Enhancement Act takes important steps to provide health care consumers with the information they need to make educated decisions about health care; information they already have to make decisions on nearly every other product they purchase in the marketplace. It requires that information paid for by the taxpayer and held by Medicare is fully available to improve our health care system. The public will then finally have the tools necessary to make informed health care decisions for themselves and their families.

This bill has the support of groups that represent consumers, providers, employers and insurers. I hope my colleagues will see the merit of this legislation and that it will be considered before we adjourn this year.

Mr. FRIST. Mr. President, for decades, healthcare analysts and industry experts have wondered whether healthcare should consume 16 percent of our Nation's economic output, as it currently does.

By virtually any measure, we spend more on healthcare than any other country in the world.

Consider the facts. According to the World Health Organization; we spend twice as much per person on healthcare as Britain and Japan; and we spend nearly 30 percent more than second-ranking Monaco.

In the past 5 years alone, the cost of health insurance to companies has nearly doubled—from $4,200 to $8,100 per family.

But experts also concur that rising healthcare costs does not mean the quality of healthcare is improving. Just this summer, the Institute of Medicine released the most extensive report ever on medication errors.

The results? At least 1.5 million Americans are sickened, injured, or killed each year by errors in prescribing, dispensing, and taking medications.

Errors are widespread—on average, a hospital patient is subjected to 1 error each day he or she occupies a hospital bed—and they are costly, at an estimated expense of $3.5 billion per year.

We have good reason to question the cost and quality of our healthcare services. That is why, in August, President Bush issued an executive order requiring all Federal agencies with a health insurance program to increase price transparency and provide options promoting quality and efficiency of care.

The Executive Order builds on the Federal Govermment's efforts to release Medicare payment information for individual healthcare providers.

While this is an important step toward transparency, more can be done. We need a way to analyze that data and make the results of the analysis consumer friendly, so that patients have real information they can use to make better informed healthcare decisions.

The bill before us today—of which I am a proud cosponsor—picks up where current Federal efforts leave off. The Medicare Quality Enhancement Act establishes quality transparency in the Medicare Program.

It doesn't require anything extra of providers. In fact, CMS is already collecting the data we need—because any provider that accepts Medicare patients must report quality data to CMS.

Instead, the bill requires CMS to establish public-private partnerships with Medicare quality reporting organizations, or MQROs. CMS will provide MQROs with data CMS already collects—Medicare enrollment, claims, and survey and assessment data. The MQROs will then perform the analysis.

Any entity or provider will be able to make report requests of MQROs, the results of which will be made public. The methodology an MQRO uses to analyze the data will also be made public. And providers can additionally instruct MQROs to use a certain methodology when making a report request.

I know many providers are concerned about CMS's capacity and capability to analyze healthcare quality data.

In part, that is why this bill requires CMS to contract with MQROs. The Secretary must determine that each MQRO has the research capability to conduct and complete reports as a condition for entering into the contract. MQROs must also demonstrate that they have the experience and expertise to analyze quality data.

As an additional contract requirement, each MQRO must comply with Federal privacy regulations to ensure beneficiary confidentiality. Additionally, MQROs must disclose financial interests as a condition to contract.

As a transplant surgeon, I understand the concerns and fears providers have. Many providers are worried that we aren't far enough along in terms of quality data collection to be able to analyze it.

But we must push the envelope in this area. It is my hope that provider groups will take the lead and request reports using a methodology and standards of quality that represent the best care in each of their fields.

Quality transparency is absolutely essential to improving healthcare. Without it, beneficiaries cannot make informed decisions about their healthcare.

Consumers already enjoy transparency in other industries. When we buy a new car, we can open an Internet browser and in a matter of moments can make objective side-by-side comparisons of different models—and then we can take them for a test drive.

When we need groceries, we pull out the Sunday supermarket ads to see what is on sale and where.

And when we furnish our homes, we shop around—comparing style, price, color, quality, warranty, and service.

But right now, we can't do that in healthcare. Whether it is a routine checkup or a heart transplant, we have no way of assessing how much bang we are getting for a buck.

Only when we institute quality transparency do we empower beneficiaries to make informed decisions about their healthcare.

This bill is a great step toward the goal of complete quality transparency. It is a formidable goal; that is why we are starting with something we know—Medicare.

Senator GREGG has worked long hours to bring this bill to fruition, and I thank him for his efforts. I hope our colleagues will join us in supporting this important measure.

By Mr. BAUCUS:

S. 3902. A bill to provide for education competitiveness; to the Committee on Finance.

Mr. BAUCUS. Mr. President, in August of 1802, from his desk in Monticello, President Thomas Jefferson glimpsed the future of the young American economy. He was shaken by what he saw.

Jefferson had just finished reading a book published a year earlier in London. The slim volume was the travel account of Alexander MacKenzie, a young Scotsman working in Great Britain's Canadian colonies.

In June of 1793, MacKenzie had crossed the Continental Divide at a place where it was just 3,000 feet high and easily portaged. Two weeks later, he reached the Pacific Ocean. Using a makeshift paint of vermilion and grease, Mackenzie inscribed his name on a rock to memorialize his discovery, and to claim it for Great Britain.

The economic implications of MacKenzie's discovery were enormous. In his book, MacKenzie urged the British to build on his discovery and develop a passage to the Pacific. Such a passage would give Great Britain control over much of North America's lucrative fur trade and access to the world's markets. Worse, MacKenzie's discovery threatened to stunt America's economic growth in its infancy.

MacKenzie's book lit a fire under Jefferson. That summer, he talked of little else. He enlisted the most qualified man he knew. And with him, Jefferson devised a plan for action. It was a plan to counter the economic threat from the north. It was a plan to safeguard America's economic future.

That December, President Jefferson presented his plan to Congress. It was America's first economic competitiveness plan. It called for one officer, a dozen soldiers, and $2,500.

Thomas Jefferson's economic competitiveness plan of 1802 has become better known as the Lewis and Clark Expedition. Today, we see that expedition as one of our Nation's great displays of ambition and courage. And today, we see that it laid the foundation of the United States as we know it.

Today, America faces a new competitive challenge. Our challenge is not over control of the fur trade. It comes not from an imperial power or its colony. It is not a race for territory in unexplored lands. Our challenge is far more complex. And the need to act is even more urgent.

America today faces a world more integrated, more interdependent, and more intensely competitive than ever in our history. In this world, it is our challenge to succeed. It is our challenge to leave our children and grandchildren an economy that is better than the one that we inherited.

We seek an economy that is not laden with debt, but bursting with opportunity. We seek an economy that plants the seeds of innovation and education today, knowing that generations far in the future will harvest their bounty. We seek an economy whose workers are increasingly productive, and whose skills are continuously sharpened.

Our challenge is to create an economy in which investment in our workers is our greatest asset, not our heaviest burden. Our challenge is to create an economy known for what it will be, rather than for what it was.

To realize this competitive economy, we must—like Jefferson—rise to the challenge. We must—like Jefferson—look to unknown horizons and march out to meet them. We must call upon our greatest minds and set them to creating a plan. And we must dedicate the resources necessary to implement that plan.

I have spent much of the past year planning a comprehensive competitiveness agenda. In February, I introduced the Trade Competitiveness Act, a bill to open markets and keep a level playing field for America's ranchers, farmers, and businesses.

In March, I introduced the Energy Competitiveness Act, to fund cutting edge research in energy while making alternative energies more affordable.

In April, I introduced the Savings Competitiveness Act, to create savings today, so that we may invest and innovate tomorrow.

In May, I introduced the Research Competitiveness Act, to give start-ups and universities better access to capital for research and development, and to improve and make permanent the R&D tax credit.

Today, I am introducing the fifth in this series of bills: the Education Competitiveness Act of 2006. Just as education is the foundation of a competitive economy, this legislation is the foundation of my competitiveness agenda.

Thomas Jefferson knew that it was not enough to send Lewis and Clark to the Pacific Ocean without the means to return. Lewis and Clark knew that the discoveries and contacts that they made had to be lasting to make a difference for our economy.

The Education Competitiveness Act is also designed to have a lasting effect. This legislation embraces education in its earliest stages, following through to continuing education and worker training. Each provision is designed with maximum flexibility to meet our States' unique needs. It is a bill that recognizes excellence, welcomes innovation, and rewards ambition.

The Education Competitiveness Act has seven important components.

First, it recognizes that our Nation needs to continue to bring quality teachers into the classroom. The bill funds 100,000 scholarships for future teachers of languages, early education, and science. It creates incentives for teachers to serve in rural and underserved areas. And it rapidly expands funding to advanced placement and international baccalaureate programs.

Second, the bill recognizes that early education is widely considered to be one of the best education investments that money can buy. The bill creates a flexible program of matching grants to build a national system of universal, voluntary prekindergarten. The bill sets out benchmarks for quality and provides help for States to make sure that their teachers are the best that they can be.

Third, the bill helps students to go the extra mile in their studies, by offering States the means to expand afterschool programs in everything from college test preparation to drug prevention. Summer programs get students out of the classroom for hands-on experience in science, technology, mathematics, and engineering.

Fourth, the bill looks to the needs of tomorrow's workforce. That workforce will increasingly demand technical skills based in math, science, and engineering. The bill provides a free college education to any student wishing to study science, technology, math, or engineering. In return, the student must work 4 years in that field of study. The bill offers States matching grants to establish and expand specialty math, science, and technology schools. And the bill makes young promising scientists eligible for cash grants to continue their research.

Fifth, the bill addresses the chronic neglect of our Nation's Indian education. The bill fully funds Indian colleges and makes a real commitment to the Johnson O'Malley program. The bill also increases the Pell grant to $6,000. Eighty percent of Montana's students rely on financial aid, including Pell grants.

Sixth, the Education Competitiveness Act allows American workers to continue learning. The bill funds programs to link businesses and schools, to give workers the skills that they need. Where universities and community colleges are too far away, distance learning grants will help bridge that gap.

Finally, the bill's tax provisions grant greater access to education. The bill starts by simplifying confusing tax credits and combining them into a single refundable higher education credit of up to $2,000 per student. The bill eases the burden of loan repayment by permitting graduates to deduct more of the interest paid on their student loans. And the bill increases the deductions for charitable contributions to schools as well as teachers' expenses in classrooms.

Taken together, these seven components form a bill that is both comprehensive and responsible. It is a bill that would help to secure a more competitive American economy.

I look forward to returning to the floor to describe each title in greater detail. I also look forward to discussing these proposals with my colleagues.

The Education Competitiveness Act sets out a bold agenda, to be sure. Some of its rewards may only be reaped decades from now. Some of its benefits may only be realized by our grandchildren. But I firmly believe that this is an agenda that we must begin to implement today.

Like the journey of Lewis and Clark 200 years ago, this is an agenda that portends discovery and rewards for America. It is an agenda that promises a passage to a new nation. I urge my colleagues to join me as we advance to this future, and join me in sponsoring the Education Competitiveness Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 570—DESIGNATING THE MONTH OF SEPTEMBER AS ''NATIONAL AMERICAN HISTORY AND HERITAGE MONTH''

Mr. DEWINE (for himself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 570

Whereas the United States has a remarkable history and a cherished legacy abounding with stories and biographies of heroes and patriots;

Whereas time has proven that, by teaching the principles of the foundation of the United States, the children of the Nation grow up to become good citizens;

Whereas George Washington stated, ''A primary object . . . should be the education of our youth in the science of government'';

Whereas the children of the United States have the right and the responsibility to know the history and heritage of the Nation;

Whereas, in 1952, Olga Weber, a mother and homemaker from the State of Ohio, out of concern that citizens of the United States were taking their freedoms for granted, petitioned the municipal officers of her town to establish a Constitution day in honor of the ratification of the Constitution of the United States, and further requested that the State of Ohio designate September 17, 1952, as ''Constitution Day'';

Whereas, in 1953, Governor Frank J. Lausche of the State of Ohio signed a law designating September 17, 1953, as ''Constitution Day'';

Whereas, in August 1953, Mrs. Weber urged the Senate to pass a resolution designating the period beginning September 17, 1953, and ending September 23, 1953, as ''Constitution Week'';

Whereas, in 1955, President Dwight D. Eisenhower signed into law the request of Mrs. Weber, and designated the period beginning September 17, 1955, and ending September 23, 1955, as ''Constitution Week'';

Whereas many parents have become increasingly concerned by the lack of knowledge and interest that the people of the United States have for their history and heritage;

Whereas the period beginning September 17, 2006, and ending September 23, 2006, is nationally designated as ''Constitution Week'';

Whereas September 17, 2006, is nationally designated as ''Citizenship Day'';

Whereas September 11, 2006, is nationally designated as ''Patriot Day'';

Whereas the Constitution of the United States was signed on September 17, 1787;

Whereas the greatest honor that the citizens of the United States can give to all of those citizens who have dedicated their lives and sacrificed so much to preserve the freedom and legacy of the United States is to remember what those citizens have done;

Whereas the designation of September as ''National American History and Heritage Month'' will—

(1) emphasize to the citizens of the United States the importance of knowing the history and heritage of the Nation; and

(2) pay tribute to the Founding Fathers and the many patriots, heroes, and heroines who built the Nation;

Whereas a month-long celebration honoring the history and heritage of the United States will encourage more organizations, including schools, businesses, faith communities, and individuals to get involved in programs and opportunities to incite interest and foster respect for understanding the history and heritage of the United States; and

Whereas celebrations relating to the history and heritage of the United States will encourage more individuals to engage in a study of the history, heritage, and foundation of the United States, and will instill pride in the citizens of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September as ''National American History and Heritage Month'';

(2) recognizes that the President issued a proclamation encouraging Federal, State, and local officials, as well as leaders of civic, social, and educational organizations, to conduct ceremonies and programs that celebrate the Constitution of the United States and reaffirm our rights and obligations as citizens of our great Nation;

(3) recognizes with great appreciation—

(A) the contributions of the millions of citizens of the United States who have devoted their lives, often at great sacrifice, to the improvement and preservation of the Nation; and

(B) those who continue to devote their lives for the betterment of the United States; and

(4) encourages more citizens of the United States to share their time, knowledge, and talents to share the light of liberty with our children, the future leaders of our Nation.

SENATE RESOLUTION 571—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE VAST CONTRIBUTIONS OF HISPANIC AMERICANS TO THE STRENGTH AND CULTURE OF THE UNITED STATES

Mr. FRIST (for himself, Mr. REID, Mr. MARTINEZ, Mr. SALAZAR, Mr. SANTORUM, Mrs. HUTCHISON, Mr. CRAPO, Mr. ALEXANDER, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 571

Whereas from September 15, 2006, through October 15, 2006, the United States celebrates Hispanic Heritage Month;

Whereas the presence of Hispanics in North America predates the founding of the United States, and, as among the first to settle in the New World, Hispanics and their descendants have had a profound and lasting influence on the history, values, and culture of the United States;

Whereas, since the arrival of the earliest Spanish settlers more than 400 years ago, millions of Hispanic men and women have come to the United States from Mexico, Puerto Rico, Cuba, and other Caribbean regions, Central America, South America, and Spain, in search of freedom, peace, and opportunity;

Whereas Hispanic Americans have contributed throughout the ages to the prosperity and culture of the United States;

Whereas the Bureau of the Census now lists Hispanic Americans as the largest ethnic minority within the United States;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have fought valiantly in every war in the history of the United States;

Whereas the Medal of Honor is the highest United States military distinction, awarded since the Civil War for ''conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty'';

Whereas 41 men of Hispanic origin have earned this distinction, including 21 such men who sacrificed their lives;

Whereas many Hispanic Americans who served in the Armed Forces have continued their service to the United States;

Whereas many Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 3 current seats in the United States Senate; and

Whereas Hispanic Americans have a deep commitment to faith, family, and community, an enduring work ethic, and a perseverance to succeed: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 15, 2006, through October 15, 2006, as Hispanic Heritage Month;

(2) celebrates the vast contributions of Hispanic Americans to the strength and culture of the United States; and

(3) encourages the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 115—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO RAISING AWARENESS AND ENHANCING THE STATE OF COMPUTER SECURITY IN THE UNITED STATES, AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBER SECURITY AWARENESS MONTH

Mr. BURNS (for himself and Ms. CANTWELL) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

Whereas over 205,000,000 Americans use the Internet in the United States, including over 84,000,000 home-users through broadband connections, to communicate with family and friends, manage their finances, pay their bills, improve their education, shop at home, and read about current events;

Whereas the approximately 26,000,000 small businesses in the United States, who represent 99.7 percent of all United States employers and employ 50 percent of the private work force, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance their connection with their supply chain;

Whereas, according to the Department of Education, nearly 100 percent of public schools in the United States have Internet access, with approximately 93 percent of instructional classrooms connected to the Internet;

Whereas having access to the Internet in the classroom enhances the education of our children by providing access to educational online content and encouraging responsible self-initiative to discover research resources;

Whereas, according to the Pew Institute, almost 9 in 10 teenagers between the ages of 12 and 17, or 87 percent of all youth (approximately 21,000,000 people) use the Internet, and 78 percent (or about 16,000,000 students) say they use the Internet at school;

Whereas teen use of the Internet at school has grown 45 percent since 2000, and educating children of all ages about safe, secure, and ethical practices will not only protect their computer systems, but will also protect the physical safety of our children, and help them become good cyber citizens;

Whereas the growth and popularity of social networking websites have attracted millions of teenagers, providing them with a range of valuable services;

Whereas teens should be taught how to avoid potential threats like cyber bullies, online predators, and identity thieves that they may encounter while using cyber services;

Whereas the critical infrastructure of our Nation relies on the secure and reliable operation of information networks to support our Nation's financial services, energy, telecommunications, transportation, health care, and emergency response systems;

Whereas cyber security is a critical part of the overall homeland security of our Nation, in particular the control systems that control and monitor our drinking water, dams, and other water management systems, our electricity grids, oil and gas supplies, and pipeline distribution networks, our transportation systems, and other critical manufacturing processes;

Whereas terrorists and others with malicious motives have demonstrated an interest in utilizing cyber means to attack our Nation;

Whereas the mission of the Department of Homeland Security includes securing the homeland against cyber terrorism and other attacks;

Whereas Internet users and our information infrastructure face an increasing threat of malicious attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and disable entire computer systems;

Whereas, according to Privacy Rights Clearinghouse, since February 2005, over 90,000,000 records containing personally-identifiable information have been breached, and the overall increase in serious data breaches in both the private and public sectors are threatening the security and well-being of the citizens of the United States;

Whereas consumers face significant financial and personal privacy losses due to identity theft and fraud, as reported in over 686,000 consumer complaints in 2005 received by the Consumer Sentinel database operated by the Federal Trade Commission;

Whereas Internet-related complaints in 2005 accounted for 46 percent of all reported fraud complaints received by the Federal Trade Commission;

Whereas the total amount of monetary losses for such Internet-related complaints exceeded $680,000,000, with a median loss of $350 per complaint;

Whereas the youth of our Nation face increasing threats online such as inappropriate content or child predators;

Whereas, according to the National Center For Missing and Exploited Children, 34 percent of teens are exposed to unwanted sexually explicit material on the Internet, and 1 in 7 children report having been approached by an online child predator;

Whereas national organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of computer security and enhance the level of computer and national security in the United States;

Whereas the mission of National Cyber Security Alliance is to increase awareness of cyber security practices and technologies to home-users, students, teachers, and small businesses through educational activities, online resources and checklists, and public service announcements; and

Whereas the National Cyber Security Alliance has designated October as National Cyber Security Awareness Month, which will provide an opportunity to educate the people of the United States about computer security: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Cyber Security Awareness Month; and

(2) will work with Federal agencies, national organizations, businesses, and educational institutions to encourage the development and implementation of existing and future computer security voluntary consensus standards, practices, and technologies in order to enhance the state of computer security in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5007. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

SA 5008. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 4923 proposed by Mr. ISAKSON to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5009. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4957 proposed by Mrs. CLINTON (for herself and Mrs. DOLE) to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5010. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4993 submitted by Mr. DEMINT and intended to be proposed to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5011. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4992 submitted by Mr. DEMINT and intended to be proposed to the amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5012. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5013. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5014. Mr. SMITH (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5015. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4942 proposed by Mr. LAUTENBERG to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5016. Mr. STEVENS proposed an amendment to the bill H.R. 4954, supra.

SA 5017. Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 4954, supra.

SA 5018. Mr. STEVENS (for Ms. SNOWE) proposed an amendment to the bill H.R. 4954, supra.

TEXT OF AMENDMENTS

SA 5007. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

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

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

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

''(1) DISQUALIFICATIONS.—

''(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

''(i) Espionage or conspiracy to commit espionage.

''(ii) Sedition or conspiracy to commit sedition.

''(iii) Treason or conspiracy to commit treason.

''(iv) A crime listed in chapter 113B of title 18, a comparable State law, or conspiracy to commit such crime.

''(v) A crime involving a transportation security incident. In this clause, a transportation security incident—

''(I) is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area (as defined in section 70101 of title 46); and

''(II) does not include a work stoppage or other nonviolent employee-related action, resulting from an employer-employee dispute.

''(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law;.

''(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or incendiary device (as defined in section 232(5) of title 18, explosive materials (as defined in section 841(c) of title 18), or a destructive device (as defined in 921(a)(4) of title 18).

''(viii) Murder.

''(ix) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (viii).

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the offenses listed in clauses (iv) and (viii).

''(xi) Any other felony that the Secretary determines to be a permanently disqualifying criminal offense.

''(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such or card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such a card, of any of the following felonies:

''(i) Assault with intent to murder.

''(ii) Kidnapping or hostage taking.

''(iii) Rape or aggravated sexual abuse.

''(iv) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes, but is not limited to—

''(I) firearms (as defined in section 921(a)(3) of title 18); and

''(II) items contained on the United States Munitions Import List under 447.21 of title 27 Code of Federal Regulations.

''(v) Extortion.

''(vi) Dishonesty, fraud, or misrepresentation, including identity fraud.

''(vii) Bribery.

''(viii) Smuggling.

''(ix) Immigration violations.

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961, et seq.) or a comparable State law, other than a violation listed in subparagraph (A)(x).

''(xi) Robbery.

''(xii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

''(xiii) Arson.

''(xiv) Conspiracy or attempt to commit any of the crimes in this subparagraph.

''(xv) Any other felony that the Secretary determines to be a disqualifying criminal offense under this subparagraph.

''(C) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) and (B), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

''(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

''(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

''(II) for causing a severe transportation security incident;

''(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

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

''(iv) otherwise poses a terrorism security risk to the United States.''.

SA 5008. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 4923 proposed by Mr. ISAKSON to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. CARGO SCREENING.

(a) RADIATION RISK REDUCTION.—

(1) SAFETY PROTOCOLS.—Before requiring any port cargo screening procedures involving the use of ionizing or non-ionizing radiation, the Secretary, in consultation with the Secretary of Labor and the Director of the National Institute of Occupational Safety and Health at the Centers for Disease Control, shall develop and implement protocols to protect the safety of port workers and the general public.

(2) PUBLICATION.—The protocols developed under paragraph (1) shall be—

(A) published and made available for public comment; and

(B) designed to reduce the short- and long-term exposure of worker and the public to the lowest levels feasible.

(3) REPORT.—Not later than 1 year after the implementation of protocols under paragraph (1), the Council of the National Academy of Sciences and Director of the National Institute of Occupational Safety and Health shall each submit a report to Congress that includes—

(A) information regarding the exposure of workers and the public and the possible risk to their health and safety, if any, posed by these screening procedures; and

(B) any recommendations for modification of the cargo screening protocols to reduce exposure to ionizing or non-ionizing radiation to the lowest levels feasible.

(b) GOVERNMENT RESPONSIBILITY.—Any employer of an employee who has an illness or injury for which exposure to ionizing or non-ionizing radiation from port cargo screening procedures required under Federal law is a contributing cause may seek, and shall receive, full reimbursement from the Federal Government for additional costs associated with such illness or injury, including costs incurred by the employer under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.), State workers' compensation laws, or other equivalent programs.

SA 5009. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4957 proposed by Mrs. CLINTON (for herself and Mrs. DOLE) to the bill H.R. 4954, to improve maritime and cargo security through enhanced

layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 10, line 12, and insert the following:

(a) GRANTS REQUIRED.—The Secretary of Health and Human Services, acting through the Assistant Secretary for Children and Families, shall award a grant to each eligible State to carry out a program for the purpose of making 2–1–1 telephone service available to all residents of the State with phone service for information on and referral to human services. The grant, and the service provided through the grant, shall supplement existing (as of the date of the award) funding streams or services. Before making a payment for a year to the State under the grant, the Secretary may conduct an evaluation to ensure that the State remains eligible for the grant.

(b) PERIOD AND AMOUNT OF GRANTS.—The Secretary of Health and Human Services shall award the grants for periods determined by the Secretary, which shall be not more than 5 years. The Secretary shall award the grants in amounts that are not less than a minimum amount determined by the Secretary.

(c) REQUIREMENT ON SHARE OF ACTIVITIES.—

(1) REQUIREMENT OF MATCHING RESOURCES.—The Secretary may not make a payment to a State—

(A) for a first year under a grant awarded under this section, unless the State ensures that at least 50 percent of the resources of the program funded by the grant will be derived from other sources;

(B) for a second year under such a grant, unless the State ensures that at least 60 percent of those resources will be derived from other sources;

(C) for the third year under such a grant, unless the State ensures that at least 70 percent of those resources will be derived from other sources;

(D) for the fourth year under such a grant, unless the State ensures that at least 80 percent of those resources will be derived from other sources; and

(E) for the fifth year under such a grant, unless the State ensures that at least 95 percent of those resources will be derived from other sources.

(2) IN-KIND CONTRIBUTIONS.—The requirements specified in paragraph (1) may be satisfied by in-kind contributions of goods or services.

(d) LEAD ENTITY.—

(1) IN GENERAL.—A State seeking a grant under this section shall carry out this section through a lead entity (also known as a ''2–1–1 Collaborative'') meeting the requirements of this subsection.

(2) 2–1–1 COLLABORATIVE.—An entity shall be treated as the 2–1–1 Collaborative for a State under this subsection if the entity—

(A) exists for such purpose under State law;

(B) exists for such purpose by order of the State public utility commission; or

(C) is a collaborative entity established by the State for such purpose from among representatives of—

(i) an informal existing (as of the date of establishment of the entity) 2–1–1 statewide collaborative, if any, in the State;

(ii) State agencies;

(iii) community-based organizations;

(iv) faith-based organizations;

(v) not-for-profit organizations;

(vi) comprehensive and specialized information and referral providers, including current (as of the date of establishment of the entity) 2–1–1 call centers;

(vii) foundations; and

(viii) businesses.

(3) REQUIREMENTS FOR PREEXISTING LEAD ENTITIES.—An entity described by subparagraph (A) or (B) of paragraph (2) may be treated as a lead entity under this subsection only if such entity collaborates, to the extent practicable, with the organizations and entities listed in subparagraph (C) of that paragraph.

(e) APPLICATION.—

(1) IN GENERAL.—The lead entity for each State seeking a grant under this section shall submit to the Secretary an application in such form as the Secretary shall require.

(2) INFORMATION.—An application for a State under this subsection shall contain information as follows:

(A) Information, on the program to be carried out by the lead entity for the State so that every resident of the State with phone service may call the 2–1–1 telephone service at no charge to the caller, describing how the lead entity plans to make available throughout the State 2–1–1 telephone service information and referral on human services, including information on the manner in which the lead entity will develop, sustain, and evaluate the program.

(B) Information on the sources of resources for the program for purposes of meeting the requirement specified in subsection (c).

(C) Information describing how the entity shall provide, to the extent practicable, a statewide database available to all residents of the State as well as all providers of human services programs, through the Internet, that will allow them to search for programs or services that are available according to the data gathered by the human services programs in the State.

(D) Any additional information that the Secretary may require for purposes of this section.

(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to States that submit applications to make 2–1–1 telephone service available in areas that are in the planning stages of developing, or have not achieved, 2–1–1 telephone service coverage, and have met the requirements specified in subsections (c), (d), and (e).

(g) SUBGRANTS.—

(1) AUTHORITY.—In carrying out a program to make 2–1–1 telephone service available to all residents of a State with phone service, the lead entity for the State may award subgrants to such persons or entities as the lead entity considers appropriate for purposes of the program, including subgrants to provide funds—

(A) for the provision of 2–1–1 telephone service; and

(B) for the collection and display of information for the statewide database.

(2) CONSIDERATIONS.—In awarding a subgrant under this subsection, a lead entity shall consider—

(A) the ability of the person or entity seeking the subgrant to carry out activities or provide services consistent with the program;

(B) the extent to which the award of the subgrant will facilitate equitable geographic distribution of subgrants under this section to ensure that rural communities have access to 2–1–1 telephone service; and

(C) the extent to which the recipient of the subgrant will establish and maintain cooperative relationships with specialized information and referral centers, including Child Care Resource Referral Agencies, crisis centers, 9–1–1 call centers, and 3–1–1 call centers, if applicable.

(h) USE OF GRANT AND SUBGRANT AMOUNTS.—

(1) IN GENERAL.—Amounts awarded as grants or subgrants under this section shall be used solely to make available 2–1–1 telephone service to all residents of a State with phone service for information on and referral to human services, including telephone connections between families and individuals seeking such services and the providers of such services.

(2) PARTICULAR MATTERS.—In making 2–1–1 telephone service available, the recipient of a grant or subgrant shall, to the maximum extent practicable—

(A) abide by the highest quality existing (as of the date of the award of the grant or subgrant) Key Standards for 2–1–1 Centers; and

(B) collaborate with human services organizations, whether public or private, to provide an exhaustive database of services with which to provide information or referrals to individuals utilizing 2–1–1 telephone service.

(3) USE OF FUNDS.—Amounts of a subgrant under subsection (g) may be used by subgrant recipients for statewide and regional planning, start-up costs (including costs of software and hardware upgrades and telecommunications costs), training, accreditation, public awareness activities, evaluation of activities, Internet hosting and site development for a statewide database, and database integration projects that incorporate data from different 2–1–1 programs into a single statewide database. The amounts may not be used for maintenance activities or any other ongoing activity that promotes State reliance on the amounts.

(i) REQUIREMENT ON ALLOCATION OF GRANT AMOUNTS.—Of the amounts awarded under this section, an aggregate of not more than 15 percent shall be allocated for evaluation, training, and technical assistance, and for management and administration of subgrants awarded under this section.

(j) REPORTS.—The lead entity for each State awarded a grant under this section for a fiscal year shall submit to the Secretary, not later than 60 days after the end of such fiscal year, a report on the program funded by the grant. Each report shall—

(1) describe the program funded by the grant;

(2) assess the effectiveness of the program in making available, to all residents of the State with phone service, 2–1–1 telephone service, for information on and referral to human services in accordance with the provisions of this section; and

(3) assess the effectiveness of collaboration with human services resource and referral entities and service providers.

(k) DEFINITIONS.—In this section:

(1) HUMAN SERVICES.—The term ''human services'' means services as follows:

(A) Services that assist individuals in becoming more self-sufficient, in preventing dependency, and in strengthening family relationships.

(B) Services that support personal and social development.

(C) Services that help ensure the health and well-being of individuals, families, and communities.

(2) INFORMATION AND REFERRAL CENTER.—The term ''information and referral center'' means a center that—

(A) maintains a database of providers of human services in a State or locality;

(B) assists individuals, families, and communities in identifying, understanding, and accessing the providers of human services and the human services offered by the providers; and

(C) tracks types of calls referred and received to document the demands for services.

(3) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the

United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. __2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title, $50,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2012.

SA 5010. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4993 submitted by Mr. DEMINT and intended to be proposed to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ———. OFFENSES THAT PRECLUDE ISSUANCE OF TRANSPORTATION SECURITY CARDS.

(a) IN GENERAL.—Section 70105(c)(1)(A) of title 46, United States Code, is amended to read as follows:

''(A) has been convicted within the preceding 7-year period, or found not guilty by reason of insanity, of a felony violation of—

''(i) espionage;

''(ii) sedition;

''(iii) treason;

''(iv) a violation of chapter 113B of title 18, United States Code, or a comparable State law;

''(v) a crime involving a transportation security incident;

''(vi) improper transportation of a hazardous material under section 5124 of title 49, United States Code, or a comparable State law;

''(vii) unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device;

''(viii) murder;

''(ix) conspiracy or attempt to commit any offense described in clauses (i) through (viii);

''(x) a violation of chapter 96 of title 18, United States Code, or a comparable State law, where one of the predicate acts found by a jury or admitted by the defendant, consists of an offense described in clause (iv) or (viii);

''(xi) a nature believed by the Secretary to cause the individual to be a terrorism security risk to the United States; or

''(xii) a kind that was the cause of a severe transportation security incident.''.

(b) ADDITIONAL SECURITY RISK OFFENSES.—Within 1 year after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Commandant of the Coast Guard shall jointly transmit a report to the appropriate congressional committees containing an evaluation of additional felony offenses that may indicate a sufficiently serious security threat to warrant their addition to the list of offenses described in section 70105(c)(1)(A) of title 46, United States Code.

(c) SAVINGS CLAUSE.—Nothing in subsection (b), or in section 70105(c)(1)(A) of title 46, United States Code, as amended by subsection (a), limits the authority of the Secretary of the department in which the Coast Guard is operating to alter the list of offenses that will disqualify an individual from being eligible to receive a transportation security card under section 70105 of title 46, United States Code.

SA 5011. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4992 submitted by Mr. DEMINT and intended to be proposed to the amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ———. OFFENSES THAT PRECLUDE ISSUANCE OF TRANSPORTATION SECURITY CARDS.

(a) IN GENERAL.—Section 70105(c)(1)(A) of title 46, United States Code, is amended to read as follows:

''(A) has been convicted within the preceding 7-year period, or found not guilty by reason of insanity, of a felony violation of—

''(i) espionage;

''(ii) sedition;

''(iii) treason;

''(iv) a violation of chapter 113B of title 18, United States Code, or a comparable State law;

''(v) a crime involving a transportation security incident;

''(vi) improper transportation of a hazardous material under section 5124 of title 49, United States Code, or a comparable State law;

''(vii) unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device;

''(viii) murder;

''(ix) conspiracy or attempt to commit any offense described in clauses (i) through (viii);

''(x) a violation of chapter 96 of title 18, United States Code, or a comparable State law, where one of the predicate acts found by a jury or admitted by the defendant, consists of an offense described in clause (iv) or (viii);

''(xi) a nature believed by the Secretary to cause the individual to be a terrorism security risk to the United States; or

''(xii) a kind that was the cause of a severe transportation security incident.''.

(b) ADDITIONAL SECURITY RISK OFFENSES.—Within 1 year after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Commandant of the Coast Guard shall jointly transmit a report to the appropriate congressional committees containing an evaluation of additional felony offenses that may indicate a sufficiently serious security threat to warrant their addition to the list of offenses described in section 70105(c)(1)(A) of title 46, United States Code.

(c) SAVINGS CLAUSE.—Nothing in subsection (b), or in section 70105(c)(1)(A) of title 46, United States Code, as amended by subsection (a), limits the authority of the Secretary of the department in which the Coast Guard is operating to alter the list of offenses that will disqualify an individual from being eligible to receive a transportation security card under section 70105 of title 46, United States Code.

SA 5012. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ———. OFFENSES THAT PRECLUDE ISSUANCE OF TRANSPORTATION SECURITY CARDS.

(a) IN GENERAL.—Section 70105(c)(1)(A) of title 46, United States Code, is amended to read as follows:

''(A) has been convicted within the preceding 7-year period, or found not guilty by reason of insanity, of a felony violation of—

''(i) espionage;

''(ii) sedition;

''(iii) treason;

''(iv) a violation of chapter 113B of title 18, United States Code, or a comparable State law;

''(v) a crime involving a transportation security incident;

''(vi) improper transportation of a hazardous material under section 5124 of title 49, United States Code, or a comparable State law;

''(vii) unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device;

''(viii) murder;

''(ix) conspiracy or attempt to commit any offense described in clauses (i) through (viii);

''(x) a violation of chapter 96 of title 18, United States Code, or a comparable State law, where one of the predicate acts found by a jury or admitted by the defendant, consists of an offense described in clause (iv) or (viii);

''(xi) a nature believed by the Secretary to cause the individual to be a terrorism security risk to the United States; or

''(xii) a kind that was the cause of a severe transportation security incident.''.

(b) ADDITIONAL SECURITY RISK OFFENSES.—Within 1 year after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Commandant of the Coast Guard shall jointly transmit a report to the appropriate congressional committees containing an evaluation of additional felony offenses that may indicate a sufficiently serious security threat to warrant their addition to the list of offenses described in section 70105(c)(1)(A) of title 46, United States Code.

(c) SAVINGS CLAUSE.—Nothing in subsection (b), or in section 70105(c)(1)(A) of title 46, United States Code, as amended by subsection (a), limits the authority of the Secretary of the department in which the Coast Guard is operating to alter the list of offenses that will disqualify an individual from being eligible to receive a transportation security card under section 70105 of title 46, United States Code.

SA 5013. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, there is appropriated $523,081,496 to make safety net payments for fiscal year 2007 under section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), to remain available until expended.

SA 5014. Mr. SMITH (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him

to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EQUIVALENCY OF MERCHANT MARINER DOCUMENTS AND TRANSPORTATION WORKER IDENTITY CREDENTIAL.

Section 7302 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(h) A merchant mariner's document issued under this section shall be treated as a biometric transportation security card required by section 70105.''.

SEC. _____. INCLUSION OF BIOMETRIC IDENTIFIER TO MERCHANT MARINER DOCUMENTS.

Section 7303 of title 46, United States Code, is amended by adding at the end the following: ''The document shall also include a biometric identifier that complies with the requirements of section 70105.''.

SEC. COAST GUARD.

In issuing merchant mariner documents, the Coast Guard shall be the lead agency responsible for ensuring compliance with the requirements of section 70105 of title 46, United States Code governing issuance of biometric transportation security card.

SA 5015. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4942 proposed by Mr. LAUTENBERG to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

Strike all beginning at line 1 and insert:

''Section ____. Interim Verification of Individuals—(a) TERRORIST WATCH LIST COMPARISON AND IMMIGRATION RECORDS CHECK.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) complete a comparison of each individual who has unescorted access to a secure area of a seaport facility (as designated in an approved facility security plan in accordance with section 70103(c) of title 46, United States Code) against terrorist watch lists to determine if the individual poses a threat; and

(2) determine whether each such individual may be denied admission to the United States, or removed from the United States, under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) CONTINUING REQUIREMENT.—In the case of an individual who is given unescorted access to a secure area of a seaport facility after the date on which the Secretary completes the requirements of paragraph (1) and before the date on which the Secretary begins issuing transportation security cards at the seaport facility, the Secretary shall conduct a comparison of the individual against terrorist watch lists and determine whether the individual is lawfully present in the United States.

(c) INTERIM FINAL REGULATIONS.—In order to carry out this subsection, the Secretary shall issue interim final regulations to require submission to the Secretary of information necessary to carry out the requirements of paragraph (1).

(d) PRIVACY REQUIREMENTS.—Terrorist watch list comparisons and immigration records checks under this subsection shall be carried out in accordance with the requirements of section 552a of title 5, United States Code.

(e) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—

(1) RESTRICTION ON DISCLOSURE.—Information obtained by the Secretary in the course of comparing the individual against terrorist watch lists under this subsection may not be made available to the public, including the individual's employer.

(2) CONFIDENTIALITY; USE.—Any information constituting grounds for prohibiting the employment of an individual in a position described in paragraph (1)(A) shall be maintained confidentially by the Secretary and may be used only for making determinations under this section. The Secretary may share any such information with appropriate Federal, State, local, and tribal law enforcement agencies.

(f) TERRORIST WATCH LISTS DEFINED.—In this subsection, the term 'terrorist watch lists' means all available information on known or suspected terrorists or terrorist threats.''

SA 5016. Mr. STEVENS proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. PHASE-OUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and sections 12105(c) and 12106 of title 46, United States Code, a foreign-flag vessel may be employed for the movement or transportation of anchors for operations in support of exploration of offshore mineral or energy resources in the Beaufort Sea or the Chukchi Sea by or on behalf of a lessee—

(1) until January 1, 2010, if the Secretary of the department in which the Coast Guard is operating determines that insufficient eligible vessels documented under chapter 121 of title 46, United States Code, are reasonably available and suitable for these support operations; and

(2) during the period beginning January 1, 2010, and ending December 31, 2012, if the Secretary determines that—

(A) the lessee has entered into a binding agreement to use eligible vessels documented under chapter 121 of title 46, United States Code, in sufficient numbers and with sufficient suitability to replace foreign flag vessels operating under this section; and

(B) the Secretary determines that no eligible vessel documented under chapter 121 of title 46, United States Code, is reasonably available and suitable for these support operations to replace any foreign flag vessel operating under this section. If such a determination is made, until January 1, 2013, if no vessel documented under the laws of the United States is reasonably available and suitable for these support operations to replace any foreign-flag vessel operating under this section.

SA 5017. Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 5, line 2, insert ''to'' before ''secure''.

On page 8, line 8, strike the first period and ''; and''.

On page 12, line 24, strike '', of this section'' and insert ''of this section,''.

On page 16, line 15, strike ''and State'' and insert ''State''.

On page 16, line 18, after ''stakeholders'' insert the following: ''adversely affected by a transportation security incident or transportation disruption''.

On page 17, line 23, insert ''Public Law 108-293'' before ''118''.

On page 20, line 15, strike ''of the Nation's commercial seaports'' and insert ''of the commercial seaports of the United States''.

On page 24, line 4, strike the semicolon and insert a comma.

On page 24, line 13, strike ''(2)'' and insert ''(1)''.

On page 27, line 23, strike ''ocean-borne'' and insert ''oceanborne''.

On page 28, line 8, strike ''ocean-borne'' and insert ''oceanborne''.

On page 29, line 5, strike '', and'' and insert ''and''.

On page 33, line 17, after ''issues'', insert ''resulting from a transportation security incident or transportation disruption''.

On page 36, line 11, insert ''the'' before ''Container''.

On page 39, line 24, strike ''ocean-borne'' and insert ''oceanborne''.

On page 48, line 7, insert a comma after ''Commissioner''.

On page 69, line 3, strike ''Undersecretary'' and insert ''Under Secretary''.

On page 72, lines 18 and 19, strike ''the current fiscal year'' and insert ''the fiscal year in which the report is filed''.

On page 73, line 23, strike ''the current fiscal year'' and insert ''the fiscal year in which the report is filed''.

On page 85, line 23, strike the first period.

SA 5018. Mr. STEVENS (for Ms. SNOWE) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.___. COAST GUARD PROPERTY IN PORTLAND, MAINE.

Section 347(c) of the Maritime Transportation Security Act of 2002 (Public Law 107–295; 116 Stat. 2109) is amended by striking ''within 30 months from the date of conveyance.'' and inserting ''by December 31, 2009.''.

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, September 21, 2006 at 2:30 p.m. in Room SD–628 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1106, to authorize the construction of the Arkansas Valley Conduit in the State of Colorado, and for other purposes; S. 1811, to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, UT, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized; S. 2070, to provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York; S. 3522, to

amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2006 through 2012, and for other purposes; S. 3832, to direct the Secretary of the Interior to establish criteria to transfer title to reclamation facilities, and for other purposes; S. 3851, to provide for the extension of preliminary permit periods by the Federal Energy Regulatory Commission for certain hydroelectric projects in the State of Alaska; S. 3798, to direct the Secretary of the Interior to exclude and defer from the pooled reimbursable costs of the Central Valley Project the reimbursable capital costs of the unused capacity of the Folsom South Canal, Auburn-Folsom South Unit, Central Valley Project, and for other purposes; H.R. 2563, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes; and H.R. 3897, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Nate Gentry at 202–224–2179 or Steve Waskiewicz at 202–228–6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 14, 2006, at 10:30 a.m., in closed session to mark up the Military Commissions Act of 2006.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 14, 2006, at 10 a.m., to conduct a hearing on ''A Review of the Department of Defense's Report on Predatory Lending Practices Directed at Members of the Armed Forces and Their Dependents.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 14, at 10 a.m. The purpose of the hearing is to consider the nomination of C. Stephen Allred, of Idaho, to be an Assistant Secretary of the Interior, Vice Rebecca W. Watson, resigned; and Robert W. Johnson, of Nevada, to be Commissioner of Reclamation, Vice John W. Keys, III, resigned.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, September 14, 2006, at 10:30 a.m. in SD–430.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, September 14, 2006, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on the nomination of Carl J. Artman to be Assistant Secretary for Indian Affairs, U.S. Department of the Interior, Washington, DC, to be followed immediately by a business meeting to approve the nomination of Carl J. Artman.

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

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 14, 2006, at 9:30 a.m in the Dirksen Senate Office Building, Room 226.

Agenda

I. Nominations

Terrence W. Boyle, to be U.S. Circuit Judge for the Fourth Circuit; William James Haynes II, to be U.S. Circuit Judge for the Fourth Circuit; Peter D. Keisler, to be U.S. Circuit Judge for the District of Columbia Circuit; William Gerry Myers III, to be U.S. Circuit Judge for the Ninth Circuit; Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Valerie L. Baker, to be U.S. District Judge for the Central District of California; Francisco Augusto Besosa, to be U.S. District Judge for the District of Puerto Rico; Philip S. Gutierrez, to be U.S. District Judge for the Central District of California; Marcia Morales Howard, to be U.S. District Judge for the Middle District of Florida; John Alfred Jarvey, to be U.S. District Judge for the Southern District of Iowa; and Sara Elizabeth Lioi, to be U.S. District Judge for the Northern District of Ohio.

II. Bills

S. 2831, Free Flow of Information Act of 2006, Lugar, Specter, Schumer, Graham, Biden, Grassley; S. 155, Gang Prevention and Effective Deterrence Act of 2005, Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter; S. 1845, Circuit Court of Appeals Restructuring and Modernization Act of 2005, Ensign, Kyl; S. 394, OPEN Government Act of 2005, Cornyn, Leahy, Feingold; and S. 2644, Perform Act of 2006, Feinstein, Graham, Biden.

III. Other Matters

Changes to 18 U.S.C. 2441, War Crimes.

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

SPECIAL COMMITTEE ON AGING

Mr. FRIST. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, September 14, 2006 from 10 a.m.–12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON AVIATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to hold a hearing at 10 a.m. on Thursday, September 14, 2006 to discuss rural air service.

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

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. FRIST. Mr. President, I ask unanimous consent that on Thursday, September 14, 2006 at 9:30 a.m. the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to hold an oversight hearing on the NRC's responsibility and capability for long- and short-term spent fuel storage programs.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Mr. FRIST. Mr. President, I ask unanimous consent that the subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, September 14, 2006, at 2:30 p.m. for a hearing regarding ''Part Two: Federal Agencies and Conference Spending''.

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

PRIVILEGES OF THE FLOOR

Ms. COLLINS. Mr. President, I ask unanimous consent that Steve Midas, who is a Coast Guard detailee assigned to the Homeland Security Committee, be accorded privileges of the floor for the remainder of the consideration of the Port Security Improvement Act of 2006.

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

SECOND GOLDEN GAVEL AWARD FOR SENATOR BURR

Mr. MCCONNELL. Mr. President, I offer congratulations to one of our Presiding Officers, Senator RICHARD BURR. At 5:20 p.m. today, Senator BURR broke the longstanding record for the quickest completion of 200 hours of presiding over the Senate. He has now earned his second Golden Gavel Award in this, his first Congress in the Senate. If he keeps this up, we may need to establish a special Platinum Gavel Award in his honor.

We all owe Senator BURR a special thank-you for his unprecedented service to the Senate as an institution.

I am sure he has heard many interesting and stimulating speeches in the Senate during those 200 hours.

HISPANIC HERITAGE MONTH

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 571, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 571) recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I rise today to recognize the month-long celebration beginning today honoring the heritage of Hispanic Americans.

Every year, we set aside a month to pay special regard to the contributions of Hispanic Americans.

The tradition began nearly 40 years ago, when Congress authorized President Lyndon Johnson to proclaim National Hispanic Heritage Week. Two decades later, President Ronald Reagan expanded the celebration to 4 weeks—today's National Hispanic Heritage Month.

While the celebration has begun only recently, Hispanics have always defined America.

The history of Europeans in what is now the United States, in fact, begins with the voyage of a Spanish explorer named Ponce de Leon who landed on Florida's west coast in 1521.

Since then, Hispanic Americans have infuenced every aspect of our history and culture. Let me discuss just a few:

David Glasgow Farragut, a proud Tennessean of Spanish descent, proved the North's most able naval commander during the Civil War. He becamd the first admiral of the U.S. Navy.

Severo Ochoa, a Nobel Prize recipient, revolutionized modern medical science when he discovered RNA, ribonucleic acid, one of the chemical building blocks of life.

Celia Cruz, a singer, introduced salsa music to the United States through her recordings and performances.

Louis and Walter Alverez, both research scientists, originated the once-controversial theory that asteroid impacts can explain the periodic mass extinctions that have shaped the history of life on Earth.

Roberto Goizueta, Oscar Hijuelos, Benjamín Cardozo, Alberto Gonzalez, Rita Hayworth, Roberto Clemente—entrepreneurs, artists, public servants, athletes, scientists, scholars—these names stand out, but many others move America forward every day. We cannot name all of the countless heroes who have fought in wars, treated the sick, taught our children, and devoted themselves to public service.

Through continuing migration to our shores, Hispanic Americans continue to strengthen American culture. Foods, music, and artistic forms considered unalterably ''foreign'' just a few short years ago have now become firm parts of the American identity.

Today, as we begin a month-long celebration of Hispanic hereitage, I join with all Americans in recognizing the invaluable role of Hispanic Americans in shaping and enriching these United States.

Mrs. HUTCHISON. Mr. President, today I wish to voice my support for the Senate resolution designating September 16, 2006, through October 16, 2006, as Hispanic Heritage Month. Hispanic Americans are our largest ethnic minority, and I am a cosponsor of this resolution because I believe it is an appropriate way to recognize the contributions made by our Hispanic American community.

Hispanics have migrated to the United States from all over the world. They have added to our national security by serving valiantly in the U.S. Armed Forces; many have paid the ultimate price and sacrificed their lives for freedom.

In my home State of Texas, Hispanic women and men shaped our Republic in its early years, and to this day, subsequent generation of Texans continue to enjoy the liberty for which our Texan and American ancestors fought so courageously.

Americans of Hispanic origin have contributed to the econmy with their notable work ethic and have served honorably at all levels of government. Three of my Senate colleagues find their roots in Hispanic origins.

It is because of these contributions and their love of equality, justice, and independence that I am proud to support the distinguished majority leader, Senator FRIST, and my other Senate colleagues in designating September 16, 2006, through October 16, 2006, as Hispanic Heritage Month.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 571) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 571

Whereas from September 15, 2006, through October 15, 2006, the United States celebrates Hispanic Heritage Month;

Whereas the presence of Hispanics in North America predates the founding of the United States, and, as among the first to settle in the New World, Hispanics and their descendants have had a profound and lasting influence on the history, values, and culture of the United States;

Whereas, since the arrival of the earliest Spanish settlers more than 400 years ago, millions of Hispanic men and women have come to the United States from Mexico, Puerto Rico, Cuba, and other Caribbean regions, Central America, South America, and Spain, in search of freedom, peace, and opportunity;

Whereas Hispanic Americans have contributed throughout the ages to the prosperity and culture of the United States;

Whereas the Bureau of the Census now lists Hispanic Americans as the largest ethnic minority within the United States;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have fought valiantly in every war in the history of the United States;

Whereas the Medal of Honor is the highest United States military distinction, awarded since the Civil War for ''conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty'';

Whereas 41 men of Hispanic origin have earned this distinction, including 21 such men who sacrificed their lives;

Whereas many Hispanic Americans who served in the Armed Forces have continued their service to the United States;

Whereas many Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 3 current seats in the United States Senate; and

Whereas Hispanic Americans have a deep commitment to faith, family, and community, an enduring work ethic, and a perseverance to succeed: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 15, 2006, through October 15, 2006, as Hispanic Heritage Month;

(2) celebrates the vast contributions of Hispanic Americans to the strength and culture of the United States; and

(3) encourages the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

UNANIMOUS CONSENT—H.R. 5684

Mr. MCCONNELL. I now ask unanimous consent at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the immediate consideration of Calendar No. 565, H.R. 5684; I further ask that there then be 3 hours of debate on the bill, 2 for the minority, with 60 minutes under the control of Senator DORGAN, 30 minutes under the control of Senator CONRAD, and 30 minutes under the control of Senator BAUCUS or his designee, and 1 hour under the control of the majority, with all time consumed on either Friday, September 15, or Monday, September 18.

I further ask that on Tuesday, September 19, there be 10 minutes for Senator DORGAN, 10 minutes for Senator

CONRAD, and 10 minutes equally divided between the chairman and ranking member, and that following the use or yielding back of time, the bill be read the third time, and the Senate proceed to a vote on passage.

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

ORDERS FOR FRIDAY, SEPTEMBER 15, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow, Friday, 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 a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. MCCONNELL. This afternoon, the Senate passed the port security bill. I thank the bill managers for their great work in processing this important measure.

Tomorrow, we will be in session, but we will not have any rollcall votes. We do plan to turn, as indicated earlier, to the United States-Oman Free Trade Agreement under the agreement just entered into. I remind all of our colleagues we passed the Senate bill in June by a vote of 60 to 34. Under this unanimous consent agreement, we will vote on passage of the House bill on Tuesday of next week.

Again, for the information of all Senators, we will not have any rollcall votes during Friday's session of the Senate.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand in adjournment under the previous order, following the remarks of Senator BAUCUS, for up to 15 minutes.

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

The Senator from Montana.

(The Remarks of Mr. BAUCUS pertaining to the introduction of S. 3902 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BAUCUS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

MEASURE READ THE FIRST TIME—H.R. 6061

Mr. BAUCUS. Mr. President, on behalf of the majority leader, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will please read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States.

Mr. BAUCUS. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m., Friday, September 15, 2006.

Thereupon, the Senate, at 6:46 p.m., adjourned until September 15, 2006, at 10 a.m.