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## Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable MICHAEL B. ENZI, a Senator from the State of Wyoming.

The PRESIDING OFFICER. Today's prayer will be offered by Dr. Alan Keiran, Chief of Staff, Office of the Senate Chaplain.

### PRAYER

The guest chaplain offered the following prayer:

Let us pray.

O God our rock and our fortress, thank You for guarding our lives. Without the unfolding of Your loving providence, we would miss life's music. You set our feet on solid ground and deliver us from our enemies. You have kept us from sorrow and sighing, for we trust You in life's storms.

Today, empower our lawmakers to be instruments of Your will. Remind them that their times are in Your hands as You shield them in Your steadfast love. Give them serenity to accept what they cannot change and courage to change what they can.

Bless the people who labor with them to keep our Nation strong. Sustain them in their work and give them Your wisdom. And bless our Nation. Strengthen her walls with righteousness and surround her with Your peace. Protect our military with Your powerful hand.

We pray this in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MICHAEL B. ENZI 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 21, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL B. ENZI, a Senator from the State of Wyoming, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. ENZI thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. FRIST. Mr. President, this morning there will be a period for the transaction of morning business for 3 hours. The first hour will be equally divided between the majority and minority. The second 60 minutes will be under the control of the Democratic side of the aisle, and the majority will use the final 60 minutes.

Following this morning business period, the Senate will recess until 2:15 p.m. for the weekly policy luncheons.

This afternoon, the Senate will consider the legislative branch appropriations bill. The order provides for 1 hour of debate and a vote on passage of that legislation. Senators should, therefore, anticipate a rollcall vote later today.

This week the Senate can also expect to consider the Goss nomination, once

that nomination is available for full Senate consideration. We would like to do that as soon as it becomes available. It should be available shortly. So hopefully we can address that nomination tomorrow.

As mentioned yesterday, the Senate may also consider legislation which extends some of the expiring family tax provisions.

Finally, we will continue to work on agreements for some of the remaining appropriations measures. The Senate will consider those bills under short time limitations, if agreements can be reached.

### GRAND OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

Mr. FRIST. Mr. President, I want to comment very briefly on something I mentioned in the last week, and that is the grand opening of the National Museum of the American Indian. The grand opening officially is occurring today, actually in a couple of hours. This marks a milestone in American and American Indian history.

Established by an act of Congress in 1989, the museum, which we can all see from the front of the Capitol, is a tribute to the extraordinary achievements and the contributions made by American Indian culture. I had the opportunity 2 nights ago to tour that museum. It is truly remarkable, unique, and unlike any other museum in the Smithsonian group in that the stories are told by participants of the culture.

There are great collections, as so many of the institutions have. It is a cultural experience that comes alive as one goes through this museum, starting on the fourth floor, and continuing to the third, second, and first floor. It is truly remarkable.

It is right here on the National Mall, as everyone in this body knows. It is a prominent symbol of the progress we have made in recognizing and, in many ways, reconciling our shared history.

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



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The celebration began informally yesterday but will continue over the course of the week. There are going to be about 600,000 people participating in the celebration from around the world.

As one looks out from the front of the Capitol steps, they see the platforms for singers, dancers, and storytellers, representing nearly 40 American Indian communities, performing over the course of the week.

The museum is fascinating, and I wanted to bring that to everybody's attention. Again, I know the Democratic leader and myself will be participating in the opening of those ceremonies today.

#### INTELLIGENCE REFORM

Mr. FRIST. Another quick update on our progress along reform in terms of our intelligence operations, both within the Senate and outside the Senate with regard to the executive branch. The markup in the Governmental Affairs Committee has begun, with the leadership of Senator COLLINS and Senator LIEBERMAN. Senator DASCHLE and I had directed that committee in late July to appropriately respond with legislation to the 9/11 Commission recommendations. The committee's legislation, as has been presented and is being marked up, does just that. I assume that process will go on over the course of the next several days. There will be amendments and modifications on issues such as the national intelligence director and how much authority will be given the national counterterrorism center. The bill tracks very closely with the plans and decisions that have been put forward by the 9/11 Commission, although we have learned a lot since even that Commission report has been written, and also with plans put forth by the White House. All of that is being considered by that committee.

Next week we will be bringing this to the Senate floor for a full debate. It has been a very thoughtful process. The 9/11 Commission report came out in late July. We in this body have gone nonstop through late July, August, and now September, building on the foundation of really 2 or 3 years of work where we have looked at reform and appropriate organizational reorganization.

As the Democratic leader and I mentioned, October 8 is when we will be leaving, and it would be our objective, with the will of the Senate, to be able to complete the legislation before that time.

The other arm that Senator DASCHLE and I addressed by establishing a vehicle through which it could be addressed is the whole issue of what we do inside this body in terms of organizational reorganization to oversee the intelligence operations by the executive branch and the 15 intelligence agencies. That task force has met several times, both at the staff level and at the Member level. I know they have more meetings planned for this week.

The goal would be for them to come up with specific recommendations for leadership to improve our oversight functions.

So a lot is going on. As we set out, the real focus of this month or this period of time since the recess and until October 8 is the safety and security of the American people. We are working in a bipartisan way to do just that.

One last thing, the Senate Intelligence Committee will favorably report out PORTER GOSS shortly and the entire Senate will be able to confirm him this week. As I mentioned in my opening remarks, it is important to do so. It only makes sense that we have the post of Director of Central Intelligence be filled at this important time. PORTER GOSS is a highly capable man and leader, with a strong background and a lot of experience in intelligence matters. He will be able to lead the intelligence community through this period of reform.

There is a lot going on today in Washington and on the Senate floor, with the appropriations process, with intelligence organization and reorganization. We have now a little over 2 weeks to complete a very full agenda but one that the American people deserve and on which we will deliver.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

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

#### INTELLIGENCE REFORM

Mr. DASCHLE. Mr. President, I will comment on the progress that the majority leader referenced with regard to both the Governmental Affairs Committee work as well as the task force. This is one of those, unfortunately, all too rare occurrences where there is real bipartisan partnership and participation. Both Senator COLLINS and Senator LIEBERMAN deserve great credit for bringing the committee to a point where they can begin the markup this morning. It is our expectation that we will address that important legislation next week. In fact, we have made a decision that on Thursday we will have a special caucus just to talk about the legislation. I hope we can work through that bill and complete it, as the majority leader has proposed.

Also, Senator REID and Senator MCCONNELL have done an outstanding job in narrowing the focus, as we look at ways with which to improve oversight. That, too, is on track. It would be my hope that we would complete our work on congressional reorganization as well before the end of this session. Given the progress they have made, I am optimistic about our prospects for doing exactly that.

#### ORDER OF PROCEDURE

Before I get into my leader time, I ask unanimous consent that during the

first hour of time allocated to the Democratic caucus that Senator KENNEDY be given the first 20 minutes, Senator HARKIN be given 10 minutes, and then Senator LINCOLN 15 minutes, Senator CONRAD 20 minutes, and Senator DAYTON 10 minutes in the second hour.

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

#### OPENING OF THE SMITHSONIAN INSTITUTION'S NATIONAL MUSEUM OF THE AMERICAN INDIAN

Mr. DASCHLE. Mr. President, this is a happy and historic day for all Americans, and especially for the First Americans. Right now, about a dozen blocks from this Capitol, an estimated 15- to 20,000 Native Americans representing tribes from South Dakota to South America are beginning a grand procession down Pennsylvania Avenue. The procession is the largest gathering ever of American Indians in our Nation's Capital. As someone from South Dakota, proud homeland of the Great Sioux Nation, I can tell you, it is an incredibly beautiful sight.

The procession marks the beginning of a week-long festival in Washington celebrating the opening of the spectacular new National Museum of the American Indian. The new museum—part of the Smithsonian Institution—is America's only national museum dedicated to Native Americans. And it is the largest museum in the world dedicated to telling the story of indigenous people in their own authentic voices. Every detail reflects the views of Native people, from the text of the exhibits to the menu in the museum restaurant. The building itself was designed by the famed Native architect, Douglas Cardinal. Its curved exterior walls, made of rough-hewn limestone, suggest the ancient cliff dwellings of the American Southwest.

Inside those walls are 8,000 extraordinary artifacts representing more than 10,000 years of history from more than 1,000 indigenous communities from as far north as Alaska and as far south as Chile. The museum includes three permanent exhibits. "Our Universes" features the spiritual beliefs of native communities, including the Oglala Sioux Tribe. "Our Peoples" looks at historical events through native eyes. "Our Lives" focuses on native people today. There is also space for changing exhibits of artwork by contemporary Native artists, and large spaces for Native American ceremonies and performances. In this museum, Native people and communities are not anthropological oddities or historical footnotes. They are vibrant, living cultures.

I want to commend the museum's director, Dr. Richard West, a member of the Southern Cheyenne nation, and all of museum's dedicated staff and volunteers, who have worked so hard to make the dream a reality, including assistant curator Emil Her Many

Horses, a native of Pine Ridge, who was raised on Rosebud.

I also want to thank our colleague, Senator BEN NIGHTHORSE CAMPBELL, a long-time champion of the museum. I especially want to thank my dear friend, Senator DAN INOUE, co-chairman, with Senator CAMPBELL, of the Senate Committee on Indian Affairs, and the original sponsor in 1987 of the bill creating the National Museum of the American Indian. No Senator has ever worked longer or harder to get our government to honor its trust and treaty obligations to Native American tribes, to Native Hawaiians and Alaska Natives than DANNY INOUE, and I am proud to be able to work with him to keep those sacred commitments.

As many as 6 million visitors are expected to visit the National Museum of the American Indian every year. They will come away with a deeper understanding of America's rich Native cultures. It will lead, it is hoped, to a healing and reconciliation between Native Americans and those of us whose families came here from other nations.

It is moving to see this living monument to the First Americans take its rightful place on our National Mall, along side our Nation's other great monuments. At the same time, we know that there are priceless cultural and historical artifacts all across Indian Country that also must be preserved.

I would like to tell you about one such treasure: an extraordinary collection of letters known as "The Dakota Letters." They were written 140 years ago by members of the Dakota Nation, the original inhabitants of what is now Minnesota. Four years ago, copies of 150 of the Dakota Letters found their way to the home of some of the descendants of the original letter writers: the Sisseton Wahpeton reservation in eastern South Dakota. What makes these letters rare—and possibly unique—is that they provide first-person, written accounts of a tragic and little-known chapter in our Nation's history—as seen through Native eyes.

That chapter has been called many things. The first accounts, written by white historians in the 1880s and 1890s, referred to it as "the Great Sioux Massacre." Later, it was called "the Sioux Uprising." Today, it is known as "the U.S.-Dakota Conflict—some say the U.S. -Dakota War—of 1862. It was the opening of the Great Plains Indian Wars, three decades of armed resistance by Plains Indians against white settlers and government soldiers.

The roots of the Dakota Conflict stretch back to 1851, when the Dakota were coerced into signing treaties giving 90 percent of their land, including their hunting grounds, to the U.S. government. The government promised the Dakota annual payments of gold and goods for the land, as well as help building schools and farms. The promises were never kept.

A decade later, in August of 1862, the Dakota were starving. The annuity

payments were late and the government agent refused to sell on credit food that was being stored in warehouses for sale to the Dakota. When Dakotas complained, he stunned them by telling them to "eat grass." Four days later, a hunting party of hungry Dakota youth killed five white settlers in a dispute over some stolen eggs. It was the spark that ignited the war.

Reluctantly, some of the Dakota chiefs chose to go to war rather than surrender the young men for hanging. Some hoped that the Army might be so distracted by the Civil War that the Dakota could drive them from the Plains. That was a tragic miscalculation.

The fighting lasted 38 days, raging across the Minnesota River Valley, south to Iowa and west to the Dakotas. Most Dakota people opposed the war and did not fight. Many risked their lives to save white settlers. When the war ended, nearly 100 American soldiers, approximately 359 settlers and an estimated 29 Dakota soldiers were dead.

Most of the Dakota warriors who led the fighting escaped north. Nearly 400 men who remained were captured and taken to a prison in Mankato, MN, where they were tried by a military commission. As many as 40 trials were conducted in a single day—a single day. The prisoners were all denied counsel. Many spoke no English and most likely did not understand the charges against them.

Of the 393 men tried, 323 were convicted, and 303 were sentenced to die. President Lincoln commuted all but 38 of the death sentences. The 38 condemned men were hanged in the Mankato prison the morning after Christmas of 1862 in what remains the largest public execution in our Nation's history. Among the 38 were men who almost certainly had not taken part in the fighting and two men whose names were not even on the list of the condemned.

For the rest of the Dakota people, the worst was still to come. After losing the war, they lost their nation. In March of 1863, the Dakota prisoners at Mankato were sent to Camp McClellan in Davenport, IA. More than 1,600 other Dakota people who had nothing to do with the war were also taken captive after the war and held at Fort Snelling, MN. In April of 1863, they were forcibly removed to Crow Creek, SD. That same month, Congress cancelled all treaties with the Dakota and used the money that had been promised to the Dakota to pay claims by settlers. Hundreds of Dakota family members died at Fort Snelling. Hundreds more died on the way to Crow Creek, and many more died on the Crow Creek reservation. Eventually, some of the families moved from Crow Creek to Sisseton Wahpeton. It is there, 140 years later, that the letters of the Dakota prisoners have been translated into modern English by their descendants.

Like the exhibits in the new museum, the Dakota Letters speak in the

authentic voices of the First Americans. The writers speak of their love and concern for their families. They also speak of their uncertainty and their fears. One of the most extraordinary of the letters was written 3 days after the assassination of President Lincoln, whom the Dakota call respectfully "Grandfather." The letter was written by a man named Moses Many Lightning Face to a missionary the Dakota prisoners trusted and referred to as a relative. The writer expresses fear about what might happen to the Dakota prisoners now that the man who had spared their life once was dead. These are his words:

Well, my relative, I wish to write you a letter. We have heard the news. They say that Grandfather was killed. But someone of authority should tell us if this is not true. Thus, I write to you this letter. Also, I have heard some rumors. Grandfather has compassion for us and, so far, we are still alive. But they told us he was killed, and we are saddened. Those of us here think if this is so, we are heartbroken. Perhaps the attitude of the cavalry soldiers may change toward us. Tell me what your thoughts are; I want to know; that's why I write to you. Then I wish to hear exactly how they killed Grandfather. . . . This is all I am going to say. I shake all your hands. Moses Many Lightning Face. This is me.

What makes the Dakota Letters so rare is that, like most Native American languages, Dakota in the mid-1800s was not a written language. Missionaries developed a written form of the language to teach the Bible to the Dakota. The missionaries who visited the Dakota prisoners taught it to them.

In Sisseton Wahpeton, the letters were translated by five tribal elders, working with Dakota language and history experts from Sisseton Wahpeton College. It was a complicated process more like code-breaking than simple translation. The words are first translated from Dakota, then into literal English, then into modern English. The translation of the letter to President Lincoln shows this process. I ask consent that it be printed in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. DASCHLE. Mr. President, like the exhibits in the new museum, the Dakota Letters illustrate in a powerful way that we do not have separate histories, but we see the same history through different eyes. This gift of being able to see our history from others' perspectives can only help heal our Nation and make us stronger.

I believe strongly that the Federal Government, which had such a direct hand, for so long, in efforts to destroy Native cultures, has a responsibility to help preserve these cultures not just on the National Mall in Washington, but in tribal communities throughout America. And we are making a start.

Next month, the first applications will go out for a new grant programs

for tribal museums. Under the Native American/Native Hawaiian Museum Services Program, tribes can receive grants of up to \$20,000 a year. The museum program, and a similar program to support tribal libraries, are both administered by the Institute of Museum and Library Sciences.

The Tribal Historic Preservation Program in the National Park Service gives tribes control of decisions about cultural preservation on tribal lands by establishing tribal historic preservation offices, just like State historic preservation offices.

The Native American Graves Protection and Repatriation Act, passed in 1990, lays out a process to identify Native American sacred and funerary objects and return them to their people.

In Sisseton Wahpeton, tribal elders and educators hope to use technology to record translation sessions of the Dakota Letters and use the recordings to teach the Dakota language. They also want to use distance learning to teach Dakota history and culture lessons based on the letters. They can't do that now because they have run out of money for the Dakota Letters project. An amendment Senator INOUE is sponsoring to the Native American Languages Act might help the tribe finish the Dakota Letters project. It would provide additional resources for immersion schools and other intensive efforts to save Native American languages—which we are now losing at the alarming rate of one each month.

All of these efforts, and more, need and deserve the support of Congress.

Newspaper accounts of the executions of the Dakota prisoners at Mankato note that the men met their deaths with courage and dignity, chanting a Dakota death song. One reporter recorded that their final words were a simple plea for recognition: "I am here."

Those same words echo from every ancient corner of this Nation. Long before Europeans and others arrived, Native Americans were here. And they are still here today, greatly enriching our national identity and culture. On this happy and historic day, as we celebrate the opening of America's spectacular new National Museum of the American Indian, let us also celebrate the Native American history and culture that exists all across America. And let us vow to work together to preserve that history and culture everywhere it exists.

#### EXHIBIT 1

1. mitakuye ito wowapi cicage kta wacin nakaha wotanin naonhonpi

2. Well, my relative, I want to give you this paper now we have heard news

3. Well, my relative I wish to write you a letter, we have heard news.

1. tonkansidan ktepi keyapi

2. They said they killed Grandfather.

3. They have said that Grandfather (Abraham Lincoln) was killed.

1. tuka hecen tuwe taku tanyan onkokiyakapi kta iyecece sni

2. But then someone should tell us if this is not true.

3. But someone of authority should tell us if this is not true.

1. hecen mitakuye wowapi cicu

2. Thus, my relative, I give you this paper

3. Thus, I write to you this letter.

1. eya taku wanjikj nawahon

2. To say, I have heard several rumors

3. Also I have heard some rumors

1. tonkansidan he onsiondapi qa dehanyan nionyakonpi

2. Grandfather had compassion for us, and so far we are still alive

3. Grandfather has compassion for us, and so far we are still alive.

1. tuka hecen nakaha ktepi keyapi heon cante onsicapi

2. but then now they killed him they said therefore our hearts are sad.

3. but they told us he was killed, and we are saddened.

1. tona onkiyukcanpi hecinhan ehna cante onsicapi

2. Some we think if this is so, we are heartbroken.

3. Those of us here think if this is so, we are heartbroken.

1. hehan hecan isantanka kin hecen token kante onkiyuzapi kta naceca

2. Then this Big Knives the thus how heart hold us will maybe

3. Perhaps the attitude of the calvary soldiers may change toward us.

1. idukcan hecinhan omayakidaka wacin qa heon wowapi cicage ye do

2. what you think, if you tell me, I want, therefore paper I make for you.

3. Tell me what your thoughts are, I want to know, that's why I write to you.

1. hehan tonkansidan token ktepi hecinhan he tanyan nawahon kta wacin

2. then Grandfather how they killed him if this is good I hear will I want.

3. Then I wish to hear exactly how they killed Grandfather.

1. hehan eya anpetu waken eca token owakihi waokun wicawakiye

2. Then to say day holy when how I am able to preach to them

3. Then, also on Sundays when I am able I do the preach to them.

1. henana epe kte owasin nape ciyuzapi

2. That's all, I say will all hand they shake,

3. This is all I'm going to say, I shake all your hands.

Mowis Itewakanhdiota—he miye  
Moses Many Lightning Face—This is me.

Translation key:

1. original Dakota

2. Dakota to English

3. English translation

Mr. DASCHLE. Mr. President, I ask unanimous consent that my leader comments not be taken from the first hour of the Democratic allocation of time.

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

Mr. CARPER. Mr. President, will the minority leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Delaware.

#### ASBESTOS EXPOSURE

Mr. CARPER. I thank the Senator.

The minority leader has spoken about the injustice done to the Dakota over a century ago, and we are endeavoring this year in this Congress to address another injustice; that is, the injustice where people are sick and dying from asbestos exposure and are not getting the money they and their families need. People who are not sick are drawing off money that should be going to those who desperately need it. We have companies going bankrupt, with people being displaced and losing their jobs. It is a bad situation, a terrible situation. We can fix it.

I thank my leader for his extraordinary courage in pushing forward a proposal to further narrow our differences with our Republican colleagues. If you think about all of the areas of progress, we have agreed there should be a trust fund, we have agreed there should be a trust fund, and on how it should be administered; we have agreed on how much money should go into the trust fund; we have agreed the money should be fully allocated to meet the claims out there; we have agreed on medical criteria; we have agreed on 10 different levels of impairment. We have basically agreed on the claims. While there are several areas in which we still have some differences to agree on, we have made extraordinary progress.

I commend Senator DASCHLE for his leadership in getting us close to this point. I have urged Senator FRIST, who has left the floor, to invite Senator DASCHLE to sit down and resolve the remaining differences between the two leaders.

This can be done, and it should be done this year, and we should not leave here without completing this job.

Mr. DASCHLE. Mr. President, if I may respond to the distinguished Senator, I compliment him on his insistence and extraordinary determination. One of the reasons we have made progress is because of his great persistence and his ability to bring together the consensus that is so necessary if we are going to achieve final success. As he has noted, we have come a long way. It has been my pleasure to work with him as we have traveled the road together to reach this point where we find, as he has noted, just a few differences. It is my hope we can still work it out prior to the end of this session of Congress. I thank him for his kind words and for his leadership.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

#### NATIVE AMERICAN MUSEUM

Mr. KENNEDY. Mr. President, I congratulate the leader for his statement about the opening of the Native American Museum today, and also for his

recitation of the historic and incredible times in terms of the history of the United States and the Dakota tribes. It was enormously interesting.

As we all know, this issue in terms of Native American land and rights is something that is incredibly close to the heart of my friend, the Senator from South Dakota. I thank him for this statement this morning, particularly on this day of celebration for so many Native Americans. It was an extraordinary statement and comment about our history. All of us would be better citizens if we took to heart the history of our country and its history in regard to Native Americans. I thank him for his comments.

Mr. President, I ask unanimous consent to be reminded when I have only 1 minute left out of the time left to me.

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

#### SENATOR KERRY'S IRAQ PLAN

Mr. KENNEDY. Mr. President, yesterday, Senator KERRY laid out his plan for Iraq and for enlisting international support to ease the burden on our troops, restoring stability to Iraq, and bringing our troops home in honor. It is a clear warning that conditions are worsening in Iraq and changes are urgently needed. His speeches have been praised for his thoughtfulness and realistic vision for advancing America's interests in that troubled region.

I ask unanimous consent to have Senator KERRY's speech printed in the RECORD.

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

[From the Washington Post, Sept. 20, 2004]

#### KERRY LAYS OUT IRAQ PLAN

Following is the text of Democratic presidential candidate John Kerry's speech delivered in New York.

(Joined in progress) KERRY: I am really honored to be here at New York University, at NYU Wagner, one of the great urban universities in America. Not just in New York, but in the world. You've set a high standard, you always set a high standard for global dialogue, as Ellen (ph) mentioned a moment ago. And I intend to live up to that tradition here today. This election is about choices. The most important choices a president makes are about protecting America, at home and around the world. A president's first obligation is to make America safer, stronger and truer to our ideals.

Only a few blocks from here, three years ago, the events of September 11th remind every American of that obligation. That day brought to our shores the defining struggle of our times: the struggle between freedom and radical fundamentalism. And it made clear that our most important task is to fight and to win the war on terrorism.

With us today is a remarkable group of women who lost loved ones on September 11th, and whose support I am honored to have. Not only did they suffer unbearable loss, but they helped us as a nation to learn the lessons of that terrible time by insisting on the creation of the 9/11 Commission.

I ask them to stand, and I thank them on behalf of our country, and I pledge to them,

and to you, that I will implement the 9/11 recommendations. Thank you.

In fighting the war on terrorism my principles are straightforward. The terrorists are beyond reason. We must destroy them. As president I will do whatever it takes, as long as it takes, to defeat our enemies.

But billions of people around the world, yearning for a better life, are open to America's ideals. We must reach them.

To win, America must be strong and America must be smart.

The greatest threat that we face is the possibility of Al Qaida or other terrorists getting their hands on nuclear weapons. To prevent that from happening we have to call on the totality of America's strength: strong alliances to help us stop the world's most lethal weapons from falling into the most dangerous hands; a powerful military, transformed to meet the threats of terrorism and the spread of weapons of mass destruction; and all of America's power—our diplomacy, our intelligence system, our economic power, our appeal to the values, the values of Americans, and to connect them to the values of other people around the world—each of which is critical to making America more secure and to preventing a new generation of terrorists from emerging.

We owe it to the American people to have a real debate about the choices President Bush has made, and the choices I would make and have made, to fight and win the war on terror.

That means that we must have a great and honest debate on Iraq.

The president claims it is the centerpiece of his war on terror. In fact, Iraq was a profound diversion from that war and the battle against our greatest enemy.

Iraq was a profound diversion from that war and from our greatest enemy, Osama bin Laden and the terrorists.

Invading Iraq has created a crisis of historic proportions and if we do not change course, there is the prospect of a war with no end in sight.

This month, we passed a cruel milestone: more than 1,000 Americans lost in Iraq. Their sacrifice reminds us that Iraq remains overwhelmingly an American burden. Nearly 90 percent of the troops and nearly 90 percent of the casualties are American.

Despite the president's claims, this is not a grand coalition.

Our troops have served with extraordinary bravery and skill and resolve. Their service humbles all of us. I visited with some of them in the hospitals and I am stunned by their commitment, by their sense of duty, their patriotism. When I speak to them, when I look into the eyes of their families, I know this: We owe them the truth about what we have asked them to do and what is still to be done.

Would you all join me? My wife Teresa has made it through the traffic, and I'm delighted that she is here. Thank you.

In June, the president declared, The Iraqi people have their country back. And just last week he told us, This country is headed toward democracy; freedom is on the march. But the administration's own official intelligence estimate, given to the president last July, tells a very different story.

According to press reports, the intelligence estimate totally contradicts what the president is saying to the American people and so do the facts on the ground.

Security is deteriorating for us and for the Iraqis. Forty-two Americans died in Iraq in June, the month before the handover. But 54 died in July, 66 in August and already 54 halfway through September. And more than 1,100 Americans were wounded in August; more than in any other month since the invasion.

We are fighting a growing insurgency in an ever-widening war zone. In March, insurgents attacked our forces 700 times. In August, they attacked 2,700 times; a 400 percent increase.

Fallujah, Ramadi, Samarra and parts of Iraq are now no-go zones, breeding grounds for terrorists, who are free to plot and to launch attacks against our soldiers.

The radical Shia cleric Muqtada al-Sadr, who is accused of complicity in the murder of Americans, holds more sway in suburbs of Baghdad than the prime minister.

Violence against Iraqis, from bombings to kidnappings to intimidation, is on the rise.

Basic living conditions are also deteriorating.

Yes, there has been some progress. Thanks to the extraordinary efforts of our soldiers and civilians in Iraq, schools, shops and hospitals have been opened in certain places. In parts of Iraq, normalcy actually prevails.

But most Iraqis have lost faith in our ability to be able to deliver meaningful improvements to their lives. So they're sitting on the fence, instead of siding with us against the insurgents.

That is the truth, the truth that the commander in chief owes to our troops and to the American people.

Now, I will say to you, it is never easy to discuss what has gone wrong while our troops are in constant danger. But it is essential if you want to correct the course and do what's right for those troops, instead of repeating the same old mistakes over and over again.

I know this dilemma firsthand. I saw firsthand what happens when pride or arrogance take over from rational decision-making. And after serving in a war, I returned home to offer my own personal views of dissent. I did so because I believed strongly that we owed it to those risking their lives to speak truth to power. And we still do.

Saddam Hussein was a brutal dictator who deserves his own special place in Hell. But that was not—that was not, in and of itself, a reason to go to war.

The satisfaction that we take in his downfall does not hide this fact: We have traded a dictator for a chaos that has left America less secure.

Now, the president has said that he miscalculated in Iraq, and that it was a catastrophic success.

The first and most fundamental mistake was the president's failure to tell the truth to the American people.

He failed to tell the truth about the rationale for going to war, and he failed to tell the truth about the burden this war would impose on our soldiers and our citizens.

By one count, the president offered 23 different rationales for this war. If his purpose was to confuse and mislead the American people, he succeeded.

His two main rationales, weapons of mass destruction and the Al Qaida-September 11th connection, have both been proved false by the president's own weapons inspectors and by the 9/11 Commission.

And just last week, Secretary of State Powell acknowledged those facts. Only Vice President Cheney still insists that the Earth is flat.

The president also failed to level with the American people about what it would take to prevail in Iraq. He didn't tell us that well over 100,000 troops would be needed for years, not months. He didn't tell us that he wouldn't take the time to assemble a genuine, broad, strong coalition of allies. He didn't tell us that the cost would exceed \$200 billion. He didn't tell us that even after paying such a heavy price, success was far from assured.

And America will pay an even heavier price for the president's lack of candor.

At home, the American people are less likely to trust this administration if it needs to summon their support to meet real and pressing threats to our security.

In the dark days of the Cuban missile crisis, President Kennedy sent former Secretary of State Dean Acheson to Europe to build support. Acheson explained the situation to French President de Gaulle. Then he offered to show him highly classified satellite photos as proof. De Gaulle waved him away, saying, "The word of the president of the United States is good enough for me."

How many world leaders have that same trust in America's president today? This president's failure to tell the truth to us and to the world before the war has been exceeded by fundamental errors of judgment during and after the war.

The president now admits to miscalculations in Iraq. Miscalculations: This is one of the greatest underestimates in recent American history.

His miscalculations were not the equivalent of accounting errors. They were colossal failures of judgment, and judgment is what we look for in a president.

And this is all the more stunning, because we're not talking about 20/20 hindsight, we're not talking about Monday morning quarterbacking. Before the war, before he chose to go to war, bipartisan congressional hearings, major outside studies and even some in his own administration, predicted virtually every problem that we face in Iraq today.

The result is a long litany of misjudgments with terrible and real consequences.

The administration told us we would be greeted as liberators; they were wrong. They told us not to worry about the looting or the sorry state of Iraq's infrastructure; they were wrong. They told us we had enough troops to provide security and stability, defeat the insurgents, guard the borders and secure the arms depots; they were tragically wrong.

They told us we could rely on exiles like Ahmed Chalabi to build political legitimacy; they were wrong. They told us we would quickly restore an Iraqi civil service to run the country, and a police force and an army to secure it; they were wrong.

In Iraq, this administration has consistently overpromised and underperformed. And this policy has been plagued by a lack of planning, by an absence of candor, arrogance and outright incompetence.

And the president has held no one accountable, including himself.

In fact, the only officials—the only officials who've lost their jobs over Iraq—were the ones who told the truth.

Economic adviser Larry Lindsey said it would cost as much as \$200 billion. Pretty good calculation. He was fired.

After the successful entry into Baghdad, George Bush was offered help from the U.N., and he rejected it, stiff-armed them, decided to go it alone. He even prohibited nations from participating in reconstruction efforts because they weren't part of the original coalition, pushing reluctant countries even further away. And as we continue to fight this war almost alone, it is hard to estimate how costly that arrogant decision really was.

Can anyone seriously say this president has handled Iraq in a way that makes America stronger in the war on terrorism?

AUDIENCE: No!

KERRY: By any measure, by any measure, the answer is no.

Nuclear dangers have mounted across the globe. The international terrorist club has expanded. Radicalism in the Middle East is on the rise. We have divided our friends and united our enemies. And our standing in the world is at an all-time low.

Think about it for a minute. Consider where we were and where we are.

After the events of September 11th, we had an opportunity to bring our country and the world together in a legitimate struggle against terrorists. On September 12th, headlines and newspapers abroad declared that, "We are all Americans now."

But through his policy in Iraq, the president squandered that moment and, rather than isolating the terrorists, left America isolated from the world.

We now know that Iraq had no weapons of mass destruction, and posed no imminent threat to our security.

The president's policy in Iraq took our attention and our resources away from other more serious threats to America, threats like North Korea, which actually has weapons of mass destruction, including a nuclear arsenal, and is building more right now under this president's watch; the emerging nuclear danger of Iran; the tons and kilotons of unsecured chemical and nuclear weapons in Russia; and the increasing instability in Afghanistan.

Today, warlords again control much of that country, the Taliban is regrouping, opium production is at an all-time high and the Al Qaida leadership still plots and plans, not only there, but in 60 other nations.

Instead of using U.S. forces, we relied on warlords, who one week earlier had been fighting on the other side, to go up in the mountains to capture Osama bin Laden when he was cornered. He slipped away.

We then diverted our focus and our forces from the hunt for those who were responsible for September 11th in order to invade Iraq.

We know now that Iraq played no part. We knew then on September 11th. And it had no operational ties to Al Qaida.

The president's policy in Iraq precipitated the very problem that he said he was trying to prevent.

Secretary of State Powell admits that Iraq was not a magnet for international terrorists before their war; now it is, and they are operating against our troops.

Iraq is becoming a sanctuary for a new generation of terrorists who could someday hit the United States of America.

And we know that while Iraq was a source of friction, it was not previously a source of serious disagreement with our allies in Europe and countries in the Muslim world.

The president's policy in Iraq divided our oldest alliance and sent our standing in the Muslim world into freefall.

Three years after 9/11, even in many moderate Muslim countries, like Jordan, Morocco and Turkey, Osama bin Laden is more popular than the United States of America.

Two years ago, Congress was right to give the president the authority to use force to hold Saddam Hussein accountable. This president, any president, would have needed that threat of force to act effectively. This president misused that authority.

The power entrusted to the president purposefully gave him a strong hand to play in the international community. The idea was simple: We would get the weapons inspectors back in to verify whether or not Iraq had weapons of mass destruction and we would convince the world to speak with one voice to Saddam, disarm or be disarmed.

A month before the war, President Bush told the nation, "If we have to act, we will take every precaution that is possible. We will plan carefully. We will act with the full power of the United States military. We will act with allies at our side and we will prevail."

Instead, the president rushed to war, without letting the weapons inspectors finish their work. He went purposefully, by choice, without a broad and deep coalition of allies. He acted by choice, without making sure that our troops even had enough body armor.

And he plunged ahead by choice, without understanding or preparing for the consequences of postwar. None of which I would have done.

Yet today, President Bush tells us that he would do everything all over again the same way.

How can he possibly be serious? Is he really saying to America that if we know there was no imminent threat, no weapons of mass destruction, no ties to Al Qaida, the United States should have invaded Iraq?

My answer: resoundingly, no, because a commander in chief's first responsibility is to make a wise and responsible decision to keep America safe.

Now the president is looking for a reason, a new reason to hang his hat on—it's the capability to acquire weapons.

Well, ladies and gentlemen, my fellow Americans, that was not the reason given to the nation, that was not the reason the Congress voted on. That is not a reason today; it is an excuse.

Thirty-five to 40 countries have greater capability to build a nuclear bomb than Iraq did in 2003. Is President Bush saying we should invade all of them?

I would have personally concentrated our power and resources on defeating global terrorism and capturing Osama bin Laden.

I would have tightened the noose and continued to pressure and isolate Saddam Hussein—who was weak and getting weaker—so that he would pose no threat to the region or to America.

The president's insistence that he would do the same thing all over again in Iraq is a clear warning for the future. And it makes the choice in this election clear: more of the same with President Bush or a new, smarter direction with John Kerry that makes our troops and America safer. That's the choice.

It is time, at long last, to ask the questions and insist on the answers from the commander in chief about his serious misjudgments and what they tell us about his administration and the president himself.

In Iraq, we have a mess on our hands. But we cannot just throw up our hands, we cannot afford to see Iraq become a permanent source of terror that will endanger America's security for years to come.

All across this country, people ask me and others, what we should do now every stop of the way. From the first time I spoke about this in the Senate, I have set out a specific set of recommendations from day one, from the first debate until this moment. I have set out specific steps of how we should not and how we should proceed.

But over and over, when this administration has been presented with a reasonable alternative, they have rejected it and gone their own way. This is stubborn incompetence.

Five months ago in Fulton, Missouri, I said that the president was close to his last chance to get it right. Every day this president makes it more difficult to deal with Iraq, harder than it was five months ago, harder than it was a year ago, a year and a half ago.

It's time to recognize what is and what is not happening in Iraq today and we must act with urgency.

Just this weekend, a leading Republican, Chuck Hagel, said that, we're in deep trouble in Iraq. It doesn't add up to a pretty picture, he said, and we're going to have to look at a recalibration of our policy.

Republican leaders like Dick Lugar and John McCain have offered similar assessments.

We need to turn the page and make a fresh start in Iraq.

First, the president has to get the promised international support so our men and women in uniform don't have to go it alone.

Last spring, after too many months of delay, after reluctance to take the advice of so many of us, the president finally went back to the U.N., and it passed Resolution 1546. It was the right thing to do, but it was late.

That resolution calls on U.N. members to help in Iraq by providing troops, trainers for Iraq's security forces and a special brigade to protect the U.N. mission, and more financial assistance and real debt relief.

But guess what? Three months later, not a single country has answered that call, and the president acts as if it doesn't matter.

And of the 13 billion that was previously pledged to Iraq by other countries, only \$1.2 billion has been delivered.

The president should convene a summit meeting of the world's major powers and of Iraq's neighbors, this week, in New York, where many leaders will attend the U.N. General Assembly, and he should insist that they make good on the U.N. resolution. He should offer potential troop contributors specific but critical roles in training Iraqi security personnel and in securing Iraqi borders. He should give other countries a stake in Iraq's future by encouraging them to help develop Iraq's oil resources and by letting them bid on contracts instead of locking them out of the reconstruction process.

Now, is this more difficult today? You bet it is. It's more difficult today because the president hasn't been doing it from the beginning. And I and others have repeatedly recommended this from the very beginning.

Delay has only made it harder. After insulting allies and shredding alliances, this president may not have the trust and the confidence to bring others to our side in Iraq.

But I'll tell you, we cannot hope to succeed unless we rebuild and lead strong alliances so that other nations share the burden with us. That is the only way to be successful in the end.

Second, the president must get serious about training Iraqi security forces.

Last February, Secretary Rumsfeld claimed that—claimed that more than 210,000 Iraqis were in uniform. This is the public statement to America.

Well, guess what, America? Neither number bears any relationship to the truth.

For example, just 5,000 Iraqi soldiers have been fully trained by the administration's own minimal standards. And of the 35,000 police now in uniform, not one—not one has completed a 24-week field training program.

Is it any wonder that Iraqi security forces can't stop the insurgency or provide basic law and order?

The president should urgently expand the security forces' training program inside and outside of Iraq. He should strengthen the vetting of recruits, double the classroom training time, require the follow-on field training. He should recruit thousands of qualified trainers from our allies, especially those who have no troops in Iraq. He should press our NATO allies to open training centers in their countries.

And he should stop misleading the American people with phony, inflated numbers and start behaving like we really are at war.

Third, the president must carry out a reconstruction plan that finally brings tangible benefits to the Iraqi people, all of which, may I say, should have been in the plan and immediately launched with such a ferocity that there was no doubt about America's commitment or capacity in the very first moments afterwards. But they didn't plan.

He ignored his own State Department's plan, he discarded it.

Last week, the administration admitted that its plan was a failure when it asked

Congress for permission to radically revise the spending priorities in Iraq. It took them 17 months for them to understand that security is a priority, 17 months to figure out that boosting oil production is critical, 17 months to conclude that an Iraqi with a job is less likely to shoot at our soldiers.

One year ago, this administration asked for and received \$18 billion to help the Iraqis and relieve the conditions that contribute to the insurgency. Today, less than \$1 billion of those funds have actually been spent. I said at the time that we have to rethink our policies and set standards of accountability, and now we're paying the price for not doing that.

He should use more Iraqi contractors and workers instead of big corporations like Halliburton.

In fact, he should stop paying companies under fraud investigation or corruption investigation. And he should fire the civilians in the Pentagon who are responsible for mismanaging the reconstruction effort.

Fourth, the president must take immediate, urgent, essential steps to guarantee that the promised election can be held next year. Credible elections are key to producing an Iraqi government that enjoys the support of the Iraqi people and an assembly that could write a constitution and yields a viable power-sharing agreement.

Because Iraqis have no experience in holding free and fair elections, the president agreed six months ago that the U.N. must play a central role, yet today, just four months before Iraqis are supposed to go to the polls, the U.N. Secretary General and administration officials say elections are in grave doubt, because the security situation is so bad, and because not a single country has yet offered troops to protect the U.N. elections mission.

The president needs to tell the truth. The president needs to deal with reality, and he should recruit troops from our friends and allies for a U.N. protection force.

Now, this is not going to be easy. I understand that.

Again, I repeat, every month that's gone by, every offer of help spurned, every alternative not taken for these past months has made this more difficult and those were this president's choices. But even countries that refused to put boots on the ground in Iraq ought to still be prepared to help the United Nations hold an election.

We should also intensify the training of Iraqis to manage and guard the polling places that need to be opened. Otherwise, U.S. forces will end up bearing that burden alone.

If the president would move in this direction, if he would bring in more help from other countries to provide resources and to train the Iraqis to provide their own security and to develop a reconstruction plan that brings real benefits to the Iraqi people, and take the steps necessary to hold elections next year, if all of that happened, we could begin to withdraw U.S. forces starting next summer and realistically aim to bring our troops home within the next four years.

That can be achieved.

This is what has to be done. This is what I would do if I were president today. But we can't afford to wait until January and I can't tell you what I will find in Iraq on January 20th.

President Bush owes it to the American people to tell the truth and put Iraq on the right track. Even more, he owes it to our troops and their families whose sacrifice is a testament to the best of America.

The principles that should guide American policy in Iraq now and in the future are clear. We must make Iraq the world's responsibility, because the world has a stake in the

outcome and others should have always been bearing the burden.

That's the right way to get the job done. It always was the right way to get the job done to minimize the risk to American troops and the cost to American taxpayers. And it is the right way to get our troops home.

On May 1st of last year, President Bush stood in front of a now-infamous banner that read Mission accomplished. He declared to the American people that, in the battle of Iraq, the United States and our allies have prevailed.

In fact, the worst part of the war was just beginning, with the greatest number of American casualties still to come.

The president misled, miscalculated and mismanaged every aspect of this undertaking and he has made the achievement of our objective—a stable Iraq, secure within its borders, with a representative government—far harder to achieve than it ever should have been.

In Iraq, this administration's record is filled with bad predictions, inaccurate cost estimates, deceptive statements and errors of judgment, presidential judgment, of historic proportions.

At every critical juncture in Iraq and in the war on terrorism, the president has made the wrong choice.

I have a plan to make America stronger.

The president often says that in a post-9/11 world we can't hesitate to act. I agree. But we should not act just for the sake of acting.

George Bush has no strategy for Iraq. I do and I have all along.

George Bush has not told the truth to the American people about why we went to war and how the war is going. I have and I will continue to do so.

I believe the invasion of Iraq has made us less secure and weaker in the war on terrorism. I have a plan to fight a smarter, more effective war on terror that actually makes America safer.

Today, because of George Bush's policy in Iraq, the world is a more dangerous place for America and Americans; just ask anyone who travels.

If you share my conviction that we cannot go on as we are, that we can make America stronger and safer than it is, then November 2nd is your chance to speak and to be heard.

It is not a question of staying the course, but of changing the course.

I am convinced that with the right leadership, we can create a fresh start, move more effectively to accomplish our goals.

Our troops have served with extraordinary courage and commitment. For their sake, for America's sake, we have to get this right. We have to do everything in our power to complete the mission and make America stronger at home and respected again in the world.

Thank you, God bless you and God bless the United States of America.

Thank you.

#### WIDENING OF THE INCOME GAP

Mr. KENNEDY. Mr. President, I draw to the attention of the Senate an issue which many of us have been concerned about for some period of time. Now it has reached the front page of some of the leading newspapers of this country, and it is something that is of central concern to families all over this Nation. I refer to the excellent opening yesterday of a series by the Washington Post, yesterday's called "As Income Gap Widens, Uncertainty Spreads." This is an enormously interesting column.



I ask unanimous consent that excerpts from this column be printed in the RECORD.

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

Figuring out what the future holds for workers is key to understanding a historic shift in the U.S. workforce, a shift that has been changing the rules for a crucial part of the middle class.

This transformation is no longer just about factory workers, whose ranks have declined by 5 million in the past 25 years as manufacturing moved to countries with cheaper labor. All kinds of jobs that pay in the middle range—are vanishing, including computer-code crunchers, produce managers, call-center operators, travel agents and office clerks.

The jobs have had one thing in common: For people with a high school diploma and perhaps a bit of college, they can be a ticket to a modest home, health insurance, decent retirement and maybe some savings for the kids' tuition. Such jobs were a big reason America's middle class flourished in the second half of the 20th century.

Now what those jobs share is vulnerability. The people who fill them have become replaceable by machines, workers overseas or temporary employees at home who lack benefits. And when they are replaced, many don't know where to turn.

Robert Boyer retrained in computers after the plant closed. But tech companies told him they wanted five years' experience, not a certificate from a six-month course. So he works for \$11.50 an hour at Home Depot, using the wisdom of four decades as plant electrician to help customers pick light bulbs for their remodeled kitchens.

Boyer turns angry at any suggestion that the jobs picture is not that bad. "When these guys get on the boob tube and say there's jobs out there, you just gotta go out there and get them, it makes me want to go out there and grab them by the throat and say, 'Where? Where are the jobs at?'"

Mr. KENNEDY. Mr. President, I highlight what this story is really about. I think we will find—I certainly do in my home State of Massachusetts and my travels around the country—that this is a reality check. This story is a reality check of what is happening in cities, towns, urban areas, and rural areas across the country.

It says:

As Income Gap Widens, Uncertainty Spreads.

I quote the Washington Post:

The vanishing middle class.

Now what middle class jobs share is vulnerability . . . The people who fill them have been replaceable by machines, workers overseas or temporary employees at home who lack benefits, and when they are replaced they don't know where to turn.

The article continues:

All kinds of jobs that pay in the middle range are vanishing, including computer code crunchers, produce managers, call center operators, travel agents and office clerks.

And the list goes on, and the article goes on and on about what is happening to middle-income workers in the United States of America at this time.

I find that this article is a restatement about what many of us believe has been happening for some time and trying to make it a point to try to do

something about it. But we have been rebuffed and the ideas have been rejected in the Senate, and certainly by the administration.

When we are talking about dealing with some of the issues, which I will comment on, we find an administration that says no to an increase in the minimum wage, no to extending unemployment compensation, no in terms of overtime, all which would have a great impact on the middle class.

Now, what do we hear on the other side? First of all, we heard from the President of the United States in New York yesterday: "The economy is strong and is getting stronger." This is from a speech the President made in New York yesterday, even though New York has lost 240,000 jobs since the President took office.

Also yesterday, in New Hampshire, the President said: "The economy of ours is growing." New Hampshire's unemployment rate is 32 percent higher than when the President took office. The New Hampshire economy has lost more than 7,000 jobs. But according to the President: "The economy of ours is growing." And according to the President yesterday: "The economy is strong and is getting stronger."

And then we see, of course, what the President said at the time of the Republican Convention: "We have seen a shaken economy rise to its feet." Well, how can it be this way? How can the President of the United States be saying "the economy is strong and is getting stronger" and then we have these reports here?

Well, let's look at the facts. Let's look at what has been happening over the period of the recent years. If we look at the recovery the President talks about, as shown on this chart, the current recovery is depicted by this red line right here in terms of job growth. If you are looking at the recoveries before 1991, you see the job growth that went up, as shown here. And if you look from 1991 to 1993, this is the job growth here. It is basically the Clinton job growth.

We see the difference between the Clinton job growth and the Bush job growth. Make no mistake about it, Presidential leadership makes a difference. Look at the record. During President Clinton's administration, 22 million jobs were added. During President Kennedy's administration, we had one of the longest periods of economic growth and price stability that we had in that century up until the time of President Clinton. So Presidential leadership does matter.

We have the President saying: Everything is fine. We are growing stronger and stronger. It is not the Democrats who are saying we have a real crisis in the middle class. Here we have one of our national newspapers that is saying exactly what many of us have been saying for some period of time.

Now, what are the facts? We can see the economic record. We have lost 1.7 million private-sector jobs from Janu-

ary of 2001 to August 2004—1.7 million jobs lost, not gained but lost, here in the United States. We have gone from 111,600,000 to 109,800,000 jobs.

Let's look at what is happening across the country. Here is a chart that shows, under President Bush, unemployment is higher in 45 of the 50 States. The States that are marked in red on this chart are States with higher unemployment than when Bush took office. The States with the same unemployment as when the President took office are marked in yellow. The States marked in green have lower unemployment than when the President took office, which are Louisiana, Nevada, Hawaii, and Delaware—four States. For all of the other States, you see the loss of over 1 million jobs. We have higher unemployment not only in some regions of the country but generally throughout the country.

What is happening in terms of the new jobs? As shown on this chart, most new jobs in the Bush economy pay low wages. This is not something we are saying over on this side, the Democratic side. This is the chief economist for Morgan Stanley, who says 81 percent of the growth in jobs is in the low-wage industries: janitors, salespeople, movers, repairmen, and drivers. It is interesting, those jobs do not have the benefits. Those jobs do not have the health insurance. Those jobs do not have any kind of sick leave. Those jobs do not have any kind of protection in terms of pensions or anything else. And it is 81 percent of the growth in jobs, according to Morgan Stanley. Jobs in the high-wage industries—construction jobs, white-collar jobs—are the remaining 19 percent. So we have seen that whatever jobs have been created have largely been at the lower level.

This chart is from the Economic Policy Institute. It shows the disparity in pay between growing and shrinking industries—\$51,270 for the expanding industries, \$30,368 for the contracting industries—41 percent less. So this is saying essentially what the previous chart showed; and that is, the jobs that are being created even now are still not paying well.

Let's see what is happening to the families across the country. These are median household incomes. This is what is happening in working families over the period from 2000 to 2003. The real purchasing power has gone down some \$1,500.

So we say, all right, this is the dilemma. You are sure it is a slow economy, but what in the world should we expect? We all have to share this burden, and it is too bad that workers have to share it. What is so bad about that? Well, I will show you what is bad about that, and that is, we have seen that productivity is growing 15 times faster than wages—workers are working longer, they are working harder, and they are producing more, but they are not seeing the benefit in terms of wages. They are not seeing it. This is the largest disparity in terms of productivity versus wages in the recent



history of this country. So the workers are working longer. They are working harder. They are producing more. But do you think that would reflect itself in increased wages?

And let me show you this chart here. In the Bush economy, we find that corporations are getting a bigger and bigger share of the pie. Here is the share of corporate profits having increased by 65 percent over workers' wages. This gap here is the largest gap we have had in the postwar period: larger corporate profits, workers with increased productivity, working longer and harder and yet they are still not able to make ends meet. These charts are going back to what the Washington Post pointed out here: "As Income Gap Widens, Uncertainty Spreads." That is what is happening in the economy.

And we can see the difference between this and other recoveries. The average in the last eight recoveries is corporate profits going up 14 percent and the workers' wages going up 8.6 percent. But here in the Bush recovery you have corporate profits going up 39 percent and wages—adjusted for inflation—going down by half of 1 percent. There it is.

We ask: Is this President doing anything about it? What is he doing? Opposing an increase in the minimum wage, saying no more overtime for middle-income families, and no, you are not going to get the unemployment compensation you paid into, that you are entitled to as a matter of right.

This is an extraordinary chart, where you get, on average, CEOs making \$8.1 million versus the average worker's \$26,000. This is startling. It is the average, not the median. It is the average because so many of the CEOs make so much more. The point is, the disparity between the CEOs and the workers is 300 times.

Now, it is against that background that we have many being laid off and new jobs not paying well, that we have the administration putting a lid on any of the efforts we can provide in the Senate in terms of unemployment compensation and protecting overtime. And what has been happening out there? What has been happening in the meantime? We know the wages these workers are receiving, if they have been laid off and they get a new job, are not keeping up with the cost of things.

Here it is over the period of the last 4 years: Health insurance has increased 59 percent. If the middle income is interested in their children being able to go to schools and colleges, tuition has gone up 28 percent. Interestingly, there is no increase in Pell grants, absolutely none, although in January of 2000, when the President was running for office, he said he would ask for an increase in the Pell grants. We never received that. And in the appropriations this year they will see no increase whatsoever. Housing costs are up 27 percent. Gas is up 22 percent. Milk is up 13 percent.

In my part of the country, in Cape Cod last week, for a gallon of gas it cost \$4.05. I know it is about \$3.23 a gallon in other parts of the country.

You are asking a person to work for a minimum wage of \$5.15 and to buy a gallon of milk at \$4.05. The administration says they are opposed to any real increase. These are hard-working men and women, more than 7 million of them, many women with children. It is an issue which affects many of those hard-working men and women of dignity.

If you look at what has happened in terms of health care costs, the consumer price index has gone up 1.6, 2.4, 1.8, 5.9, and total health care costs cumulatively, 59 percent. One might ask, what in the world can we do about it? One of the things we might be able to do about it in terms of drug costs is reimportation. We could do something about that. We have a bipartisan bill. Yet we can't get it on the floor. We can't get an up-or-down vote. Those of us who would support it would go for an hour evenly divided. Let's get accountability. Let's do something about the cost.

When you ask, so you are complaining about the increase in cost, what is your idea? One of the ideas is the reimportation of drugs. But no, we can't do that. We have dealt with all the issues of safety. I yield to no one in this body in terms of the safety of health care. We are unable to permit the Medicare to negotiate lower drug prices for seniors. We could do something about that. But no, we are denied the opportunity. As a result, we have exploding costs that are going out of control in terms of health care generally and in terms of prescription drugs—all impacting middle-class families. More and more of them are losing their health care coverage, their security. They haven't got wage security. They don't have job security. They don't have education security. They don't have health security. This chart illustrates that, every single year, more than a million, from 2000 to 2003. The economy is strong? The economy is getting stronger? Everything is OK? Hello.

It isn't just those on this side of the aisle who say that this is what is happening; we have seen this in newspapers all across the country. All you have to do is visit any town in America. We know what the results are: We have 13 million children hungry or on the verge of hunger here in the United States. And the economy is getting stronger? Eight million Americans are unemployed, and nearly 3 million have lost unemployment benefits since Republicans ended the program. Seven million low wage workers wait 7 years for a minimum wage increase. That used to be a bipartisan effort, to have an increase in the minimum wage. President Bush 1 signed an increase. President Nixon signed an increase. It was bipartisan for years. But no, we can't even get a vote on it.

When we offer an amendment on one of the bills, what do our Republican friends do? They pull the bill. State Department reauthorization, pull the bill; add it onto the reform of welfare, pull the bill down; class action, pull the bill. We don't want to even vote on it. Imagine that. Imagine not even wanting to vote on it.

Six million have lost overtime protection under the new Bush rule. Let me give a quick review of who is impacted. These are the individuals who would be impacted: police, nurses. They are our homeland defenders, the first responders. They are the ones whose overtime is threatened.

In the last several days, my colleague and friend Senator KERRY has offered a real alternative to the current economic challenges we are facing, that middle-income Americans are facing every single day in terms of lost wages, lost jobs, lost health insurance, lost opportunities for education. It talks about creating good-paying jobs, strengthening the middle class, and restoring America's competitive edge and cutting the deficit.

I ask unanimous consent that an excerpt of this plan be printed in the RECORD.

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

#### THE KERRY-EDWARDS ECONOMIC PLAN

Under George Bush, America has lost 1.6 million private-sector jobs. The typical family has seen its income fall by more than \$1,500. Real business investment and exports are both down under George Bush, the first time we have a decline during a Presidential term in over 70 years. And all George Bush has had to offer are excuses and bad plans that put job creation and the middle class last while favoring special interests.

John Kerry and John Edwards believe that America can do better. They have an economic plan that will unleash the productive powers of America's workers and companies, creating millions of good-paying jobs and strengthening the middle class. Their economic plan is built around four basic principles:

##### (1) Create Good-paying Jobs in America

End tax breaks for companies creating jobs overseas and cut taxes for 99 percent of tax-paying corporations.

A New Jobs Tax Credit to encourage hiring by manufacturers, other businesses affected by outsourcing and small businesses in 2005 and 2006.

Level the playing field by enforcing out trade agreements and trade laws.

##### (2) Strengthen Middle-class Families by Cutting Taxes and Lowering Health and Energy Costs

Cut taxes for 98 percent of families, including new tax breaks for education, child care, and health care.

Cut health premiums by up to \$1,000 for families.

Provide \$25 billion in a State and Local Tuition and Tax Relief Fund.

##### (3) Restore America's Competitive Edge Make America energy independent of Middle East oil.

Invest more in research and development, including lifting the ban on stem cell research and making broadband universal.

Double the Manufacturing Extension Partnership (MEP).

Provide a tax cut on up to \$4,000 of college tuition and investment in training.

(4) Cut the Deficit and Restore Economic Confidence

Cut the deficit in half in four years by restraining spending growth, paying for all proposals, and eliminating corporate welfare.

Mr. KENNEDY. I thank the Chair.

The ACTING PRESIDENT pro tempore. The 10 minutes we are currently in are reserved for the Senator from Iowa.

The Senator from Iowa.

#### INSTABILITY IN IRAQ

Mr. HARKIN. Mr. President, the chaos in Iraq gets worse with every week that goes by. Many key cities are now under the control of the insurgents. Virtually every day we see car bombings, kidnappings, assassinations, beheadings. American soldiers and Iraqi civilians are being attacked and killed at an alarming and escalating rate. But if we listen to the President, what we hear is sugar-coated happy talk.

The President says:

We're making progress. We're making progress.

He says we have a strong government in Iraq headed by Mr. Allawi. He says that because of the U.S. invasion of Iraq, democracy is spreading "like a sunrise."

Well, the President may have been a cheerleader in college, but we need more than cheerleading now.

Let's be clear: President Bush misled us into this war, and he is misleading us today about where we stand in Iraq. His misguided, mismanaged war has become a quagmire with ever-rising body counts and no end in sight.

Over the weekend, a host of Republican Senators stepped forward to urge the President to face the facts and at long last to be open and honest with the American people. On Sunday, Senator HAGEL of Nebraska said:

The fact is, we're in trouble. We're in deep trouble in Iraq.

Senator RICHARD LUGAR, distinguished chairman of the Foreign Relations Committee, criticized what he called "incompetence in the administration" that has resulted in a failed Iraq reconstruction effort.

Senator JOHN MCCAIN said:

We're not winning.

Senator LINDSEY GRAHAM said that we need to be "more honest about how difficult it will be" in Iraq.

Ironically, the President's father, George Herbert Walker Bush, warned against the folly of invading and occupying Iraq. On February 28, 1999, speaking to a group of Desert Storm veterans at Fort Myer, VA, the former President told them:

Had we gone into Baghdad—we could have done it, you guys could have done it, could you have been there in 48 hours—and then what?

Then the first President Bush continued:

Whose life would be on my hands as commander-in-chief because I unilaterally went

beyond international law, went beyond the stated mission, and said we're going to show our macho? We're going into Baghdad. We're going to be an occupying power—America in an Arab land—with no allies at our side. It would have been disastrous.

That was former President Bush in 1999.

Of course, we heard the same prophetic warnings from Brent Scowcroft, James Baker, and other foreign policy experts. But this President Bush and his partner DICK CHENEY thought they knew better. So now the disaster that Bush 41 warned against has become a reality under Bush 43. It is painfully clear that President George W. Bush's wrong choices—in particular, the botched hunt for Osama bin Laden, the invasion of Iraq based on false justifications, the Abu Ghraib torture scandal, the alienation of our friends and the world—have been profoundly destructive to America's national interest. They have damaged our traditional alliances. They have undermined our moral authority, and they have all but destroyed our credibility.

Worst of all, the actions of this administration have had the perverse effect of encouraging, inciting, multiplying the terrorist threat. Exhibit A is Osama bin Laden himself. It has been more than 3 years since the President pledged to "smoke him out" of his cave. But Mr. Bush did not smoke out Osama bin Laden. Instead, the Bush administration got massively distracted by its obsession with Saddam Hussein. These days, the days responsible for the murder of some 3,000 Americans on 9/11 is "Osama bin forgotten."

In a press conference Secretary Rumsfeld had on September 10 of this year, he mixed up Saddam Hussein and Osama bin Laden twice. Here is a quote from our Secretary of Defense:

Saddam Hussein, if he is alive, is spending a whale of a lot of time trying to not get caught and we have not seen him on video since 2001.

Well, Saddam Hussein, as John Stewart pointed out on "The Daily Show" last night, is in prison. But he said that twice about Saddam Hussein. You see, in their minds—in Rumsfeld's mind, Osama bin Laden and Saddam Hussein are the same person. He cannot quite distinguish them.

The problem is Osama bin Laden has not forgotten us. He and his followers remain as dangerous today as on September 11, 2001. In July, the administration issued a dire warning that bin Laden and his chief lieutenants were directing an al-Qaida effort to launch a catastrophic attack in the U.S. before the election.

There is broader evidence that the U.S. invasion of Iraq has incited, encouraged, and stepped up the recruitment of terrorists around the world. In April, the State Department issued its annual report on terrorism, claiming a big drop in terrorist incidents—and success in the war on terrorism. But, in June, the State Department acknowledged this report was grossly incorrect.

The State Department acknowledged that, in fact, twice as many people died in terrorist attacks in 2003, and terrorism around the world has increased significantly.

The objective statistical record is clear: As a consequence of choices made by George W. Bush, America is weaker, America is less secure, Americans traveling abroad are less secure, America is more vulnerable. And the professionals—the men and women on the front lines—know this is true.

Earlier this year, the Army War College published a report that concluded, in so many words, that the administration has bungled the war on terrorism. The report called the war in Iraq "unnecessary." It said Iraq "was a war-of-choice distraction from the war of necessity against al-Qaida." As a result of this detour, says the report, the U.S. Army is "near the breaking point."

Who can disagree with these findings? With our military tied down in Iraq indefinitely, unable to respond to real threats, America is weaker, not stronger. We are less secure, not more secure. We are more vulnerable, not less vulnerable.

I was struck, several weeks ago, by a statement from one of our colleagues, Congressman Doug Bereuter of Nebraska. Mr. Bereuter is vice chairman of the House Intelligence Committee and a senior Republican member of the House International Relations Committee. Congressman Bereuter was a strong supporter of the House resolution authorizing the President to go to war. But in a letter to constituents, he now says the invasion of Iraq was unjustified and "it was a mistake to launch that military action." He said, "We are immersed in a dangerous, costly mess, and there is no easy and quick way to end our responsibilities in Iraq without creating bigger future problems in the region and, in general, in the Muslim world."

Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HARKIN. Mr. President, I will close by saying America is more vulnerable, not less; and we need straight answers from this administration.

The ACTING PRESIDENT pro tempore. The majority controls the next 30 minutes. Who yields time?

The Senator from Colorado is recognized.

#### PRESIDENT BUSH'S ACCOMPLISHMENTS

Mr. ALLARD. Mr. President, I request 14 minutes and I ask the Chair to notify me when I have reached the 12-minute mark.

Lately, we have heard a lot of politically motivated doom-and-gloom speeches, and we have heard a number of them this morning. I want to talk about a couple of issues discussed on the floor. I want to comment on our economy and I want to comment about our foreign policy.

I think the economy is doing well. We would like to see it do better in some cases, but I think it is very positive news and we should not forget about that. The economy, at the first part of this month, posted job gains for each of the last 12 months, creating nearly 1.7 million jobs since August of 2003. These are the facts. The national unemployment rate fell to 5.4 percent in August, down .9 percentage from a peak of 6.3 point in June of 2003, and its lowest rate since October 2001. At 5.4 percent, the unemployment rate is below the average of the 1970s, 1980s, and the 1990s. In August, 144,000 new jobs were added. Nearly 1.7 million new jobs were added since August 2003. The unemployment rate over the last year was down in all regions and in 49 of the 50 States. The manufacturing sector, which was the hardest hit by the economic downturn, has added 107,000 jobs since January.

View that in the perspective of what we were facing when this President was first elected to office. We have turned this economy around. This President has taken strong action that made a difference in moving our economy forward. Now is not the time to turn back. The labor market has improved considerably since shortly after the President's jobs and growth bill took effect last May. America's standard of living is on the rise. Real aftertax incomes are up by nearly 10 percent since December of 2000. Consumer confidence continues to be substantially higher than last year.

In the second quarter of 2004, the national home ownership rate was at an all-time high of 69.2 percent. Minority home ownership set a new record of 51 percent in the second quarter and is up 2.1 percentage points from a year ago. I am proud to say that I was a Senator who sponsored that legislation to encourage home ownership among minorities. Core inflation remains low, and mortgage rates remain near historic lows, making home buying easier and more affordable.

We still have a challenge ahead of us and this President is not backing away from it. I don't think we Republicans in the Senate are backing away. We continue to push to make tax relief permanent. The temporary tax relief contributed to the figures I just read off. We need to do more. I think one of the most important things we can do to continue to see the economy grow is to make tax relief permanent. We obviously need to provide training for worker skills and control health costs, and we need to reduce regulations. We have not talked enough about the burden of Government and the downward pressure it has on the economy. We need to reduce regulations. As a small businessman I had to live with regulations. I understand how high taxes and a high rate of regulation can impact your ability to do business and create new jobs. Frivolous lawsuits are a problem and this Congress needs to address it. We need to adopt a national

energy policy and open more jobs overseas.

The President has acted decisively to bring us back from recession to recovery. I don't think I need to go over those issues. The basic part of it was that he has cut taxes. By cutting taxes, he stimulated the economy, which increased revenue to Colorado, and we are going to have increased revenue to the Federal Government.

Let me talk a little bit about foreign policy. A year ago last February, President Bush made the courageous decision to overthrow Saddam Hussein's brutal dictatorship and bring democracy to Iraq. He did so because Saddam Hussein had refused, over the last 12 years, to fully cooperate with U.N. weapons inspectors. He did so because Saddam Hussein had brutalized his people for over 25 years. He did so because it was the right thing to do and because it had to be done.

Some of our friends in the United Nations did not approve of his decision. They thought he should have waited; that perhaps Saddam would give in and eventually cooperate, despite his long history of lies and deception.

A few friends, such as U.S. Secretary General Kofi Annan, believed the United States should have sought another Security Council resolution. It appears Mr. Annan continues to believe this, given his remarks last week in which he described the liberation of Iraq as "illegal" and that violated the charter of the United Nations.

Even with the benefit of hindsight, it does not make any more sense now than it did then for the United States to have sought a second resolution. Resolution 1441 was the 17th—17th—Security Council resolution demanding that Saddam Hussein verifiably disarm, respect his neighbors, and otherwise comply with the cease-fire from the first Gulf War. It was clear that he violated Resolution 1441 and that he continued to try to shoot down U.S. warplanes in the United Nations-sanctioned northern fly zone and that he was making little or no effort to comply with the terms of the 1991 cease-fire. How many more security resolutions do we need before it becomes legal?

As the Wall Street Journal has eloquently pointed out, if liberating Iraq was wrong, then Mr. Annan must also believe a number of other operations are illegal. Does the Secretary believe NATO's intervention in Kosovo, where hundreds of thousands of Yugoslavian Albanians were saved from the genocidal attacks of Milosevic's cronies, was illegal? Does he believe France's recent intervention in the Ivory Coast was illegal?

It is my hope that when the President speaks today to the United Nations, he reminds the United Nations that the United States has the inherent right of self-defense guaranteed by that body's own charter. It is my hope that with unequivocal certainty, the President reminds the United Nations that

his first obligation as President of the United States under our Constitution is to protect our Nation from all threats, foreign and domestic.

It is my hope that the President reminds the world's greatest debating body that if the United States had not acted, Saddam Hussein would still be defying the United Nations, would still be seeking to develop weapons of mass destruction, and would still be brutally murdering and torturing his own people.

From my perspective, the United Nations should be grateful for the decisive leadership and courage President Bush demonstrated by liberating Iraq. It seems to me that the United Nations should be grateful that it now has a real opportunity to help bring democracy and freedom to 50 million people in Iraq and Afghanistan.

I believe the President made the right decision. He took a stand and did not back down. He held up the value of the Security Council resolutions at a time when most were content to see these resolutions ignored.

The President emphasized the value of the lives of the innocent Iraqis who were repeatedly tortured and routinely murdered when most chose to look the other way. He sought to protect our country and safeguard international peace when most refused to act.

The President today will ask our friends in the United Nations to help us in Iraq. That body has a unique opportunity to do something extraordinary. They have a limited opportunity to help a nation that has experienced nothing but dictatorship and brutality transition to a freedom-inspired country centered on the rule of law and the democratic process.

This coming January, Iraq will hold its first ever national elections. I recognize the practical difficulties of such an effort. We are constantly reminded by the media that Iraqi insurgents continue to launch suicide attacks and kill innocent hostages in new and grotesque ways.

It is certainly possible that things will get worse in Iraq before they get better. That does not mean we give up. It does not mean that the majority of Iraqis do not desire freedom.

This Thursday, the Iraqi Prime Minister will address a joint meeting of Congress. This speech is more than a reminder that Iraq has a functioning government. It is a statement to Iraqi insurgents that the business of promoting freedom will go on. It is a statement to the world that the Iraqi Government is the representative of the Iraqi people.

I look forward to Prime Minister Allawi's speech. I believe he will bring us new insight into the problems facing Iraq and encourage the American people in the ongoing struggle.

The United States is making a difference. Iraq is rebuilding. Insurgents are being fought with steadfastness and courage. And Iraq remains on the path toward freedom. We ask for nothing more.

I thank the Chair. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

### THE ECONOMY

Mr. COLEMAN. Mr. President, my colleague from Colorado talked about the economy. Although I want to talk about Iraq, I want to follow up the comments made by the very distinguished Senator from Massachusetts who talked about all the negative things that are happening to this economy.

I find it so stunning that folks can continue to be so negative. America has come such a long way from the attacks of 9/11 that took a trillion dollars out of this economy, and the corporate fraud generated from Enron and WorldCom, and from the recession President Bush inherited from the last administration. We cut taxes and we grew jobs, over 1.7 million in the last year.

We are not where we have to be. The President has said on many occasions that as long as one person is out of work, we have work to do, and we do that work and do it here, passing legislation such as class action reform, medical malpractice reform, the JOBS bill and the Energy bill, many of the legislation being filibustered, being blocked by my friends on the other side of the aisle.

One point that comes up again and again is that in spite of the steady stream of job numbers, now there is an argument made they are not quality jobs. I note that the facts belie that assertion. Three-quarters of the new jobs created, for instance, in May were in the industry categories that pay an hourly rate in excess of the overall average hourly rate in the private sector.

Inflation-adjusted hourly earnings increased 2.37 percent during the first 3½ years of the Bush administration, compared with only a 0.13-percent increase during the same period of time in the first Clinton administration. Per capita aftertax disposable income adjusted for inflation has increased 7.1 percent since President Bush took office, well above the 5.2-percent increase during the same period of the first Clinton administration.

I could go on and on. The fact is, this economy is moving forward. The fact is, housing home ownership is at an all-time high. The fact is, the tax cuts have made a difference, and yesterday there are still those who would like to somehow have the American public believe that all news is bad news.

I think the biggest challenge this economy faces is from the naysayers who keep saying again and again how bleak things are and you then undermine confidence and that, Mr. President, hurts the economy.

### "60 MINUTES" DOCUMENTS

One other note. My friend, the Senator from Iowa, was on the floor, and I note that he and a number of others

had some very harsh words about the President based on something that was in a "60 Minutes" report which we now know was not true. Dan Rather came on last night and noted that he no longer has confidence in the documents that would allow us to continue vouching for them. These are documents related to the service of the President in the National Guard. He noted that "we did use the documents." He said, "We made a mistake in judgment, and for that I am sorry."

I hope my colleagues, who had such harsh words for the President based on those documents, will come forward and express the same sentiment that Mr. Rather expressed.

### IRAQ

My colleagues also somehow would have us believe the world would be better today, would be a safer place if Saddam Hussein were still in power. I find that stunning. I find that striking.

My colleague from Colorado expressed a hope that I share: That the President go before the U.N. today and reiterate the inherent right of the United States of self-defense.

My colleague from Colorado challenged some of the statements of Secretary General Kofi Annan about the U.S. effort in Iraq. He noted and I note that the Secretary's comments were both factually wrong and ill advised. The fact is, Saddam Hussein violated 16 U.N. Security Council resolutions. Saddam Hussein is the one whose actions were illegal, reiterated again and again by the United Nations. The fact is, the United States took our case to the United Nations on more than one occasion, and the final example on November 8, 2002, the U.N. Security Council unanimously adopted Security Council Resolution 1441.

This resolution declared that Iraq was in material breach of its obligations to cooperate with inspectors who were looking into Saddam's efforts to develop chemical, biological, and nuclear weapons.

The resolution warned of serious consequences if Iraq ignored its last chance to comply, but Saddam did not comply. I repeat, Saddam Hussein is the one whose actions were illegal. The fact is, Saddam Hussein's list of other offenses is a long one and does not compare favorably with documents such as the U.N. charter and the Universal Declaration of Human Rights. This is a man who twice invaded his neighbors, used weapons of mass destruction against his own people and the people of Iran, who killed tens of thousands of political opponents, tortured thousands of political opponents and ordinary citizens. These were the illegal actions, and we should be glad they are all over once and for all.

The fact is, the U.N. did not have credibility with Saddam Hussein's regime. It never succeeded in enforcing its own resolutions or gaining unfettered access for weapons inspectors. Worse yet, it allowed a well-meaning humanitarian program to devolve into

a money-making operation for Saddam and his cronies throughout the world. The U.N. Oil for Food Program became a personal bank account for Saddam Hussein in which, by a GAO report estimate, he got at least \$10 billion—that is with a "B"—for his own personal use.

Right now, the Permanent Subcommittee on Investigations, which I chair, is looking into that \$10 billion theft, that \$10 billion fraud, that \$10 billion corruption, and checking to see where that money went, has it been used to fuel an insurgency, has it been used to impact the policies of some nation states that did not allow the Security Council to vigorously oversee and enforce that program the way it should have been done.

No, there is nothing wrong or illegal about liberating 25 million people from tyranny, and there is certainly nothing illegal about fighting for their freedom and liberty today.

Regardless of the U.N. Secretary General's comments, America will remain a supporter of the U.N. and many multilateral organizations. It is in our interest. More often than not, we can accomplish greatness when we work together. The U.N. can offer great promise or cooperation in peacekeeping and humanitarian work and shining a light in dark places, efforts that are often more effective when many are united rather than when countries go it alone. But we are not going it alone in Iraq. We have over 30 nations that are sacrificing with us. The failure of the United Nations to enforce its resolutions against Saddam, the failure of the United Nations to act vigorously to genocide that is going on in Darfur and the far region of Sudan, the failure of the United Nations to do nothing more than talk when brutality and oppression shows its ugly face around the world undermines confidence in the United Nations. That puts the United Nations in a position where many are comparing it now to the League of Nations, a place where people just talked but never acted. Sometimes real leadership means having the courage to do what is necessary and not just what is popular.

In his State of the Union Address, the President said there is a difference between leading a coalition of many nations and submitting to the objections of a few. America will never seek a permission slip to defend the security of our country. While the United States and its allies have carried the burden of freedom's work, we cannot ignore the fact that soldiers and might cannot do the job alone. I understand that diplomacy is crucial to world order. It should not descend into finger-pointing and gainsaying, especially at a time when so much is at stake and we ought to be joining together, not pointing fingers. It is the terrorists in Iraq who want to deprive the citizens of that country their basic human rights.

What Saddam Hussein could not take from them the terrorists are hoping to

steal. What Saddam Hussein did not do to terrorize the people of that country, what he did not finish, the terrorists will do and are doing. They are continuing that. Saddam killed, murdered, and tortured as many Iraqis he could who did not agree with him, and probably a few who did, and the terrorists hope to finish off the Iraqis he did not get to.

In spite of that, in spite of the insipid rhetoric of those who wish to be President who feel a gust of wind gives them the moral authority to change their stand on a war time and time again, America must hold its ground because on that ground stands the promise of a free and liberated Iraq.

Iraq is preparing to hold its first truly democratic election. Prime Minister Allawi, who will have a chance to address us in the coming days, is working to get control throughout the country. He is trying to counter a clear effort by terrorists to turn Iraq back into a nation of fear.

The Prime Minister is also trying to get out from under Iraq's heavy foreign debt and create an environment for jobs and for hope. Coalition members, together with Iraqi forces, are working daily to create a better future for the people of Iraq, and at the same time protect the safety of our soldiers and civilians serving in that country.

The world is a better place without Saddam in power. That is a reality. If one cannot grasp that concept, then they cannot grasp any concept. If anyone in this body, or anyone of this body, believes Saddam Hussein, dictator of Iraq, murderer of women and children, tormentor of his neighbors, plotter of destruction, mercenary of the world, is better for the world in office than out of office, they should heed the words of the junior Senator from Massachusetts, Mr. KERRY, who had this to say during the Democratic primaries:

Those who doubted whether Iraq or the world would be better off without Saddam Hussein, and those who believe we are not safer with his capture, don't have the judgment to be the President or the credibility to be elected president.

The Senator from Massachusetts was right then. In spite of his changing positions, those words last year still ring true today.

Today, there are those who embolden terrorists in Iraq. They have pointed their fingers at us and said: You are to blame for the terrorism insurgency in Iraq.

The day after 9/11, there were those across the world who pointed their fingers at us and said: You are to blame for the destruction of your homeland.

These statements are absurd. Somebody tell me how the hundreds of horrified boys, girls, babies, mothers, and fathers in that Russian school were responsible for the terrorists who tormented and killed them. Somebody tell me how the Nepalese contractors, 12 of them, who were slaughtered as though they were nothing more than cattle

were responsible for their deaths. Somebody tell me how the American citizens who had their heads sawed off on a videotape while sick, evil men listened to their screams of horror were somehow responsible for their death.

There are those who say things are not going as well as they could be in Iraq. We know they are right, but let the first person come forward who will say that it will be going better in Iraq if we let Mohamed al Sadr or Abu Musab al-Zarqawi be in charge.

Now is not the time for those with the courage of the meek to come to the rescue of the strong. Now is the time for strong, determined leadership to work with our allies, those who agreed with our efforts, and those who did not, to bring this world together.

Our President, the leader who has liberated 50 million human beings and has stood resolute when even the strongest among us would look for a way out, goes to the U.N. today. He goes there not as an adversary of that august body but as an ally of the civilized world. He goes to stand with the world, those who have suffered from the terrorists, those who have fought them, and those who fear them.

He goes to the U.N. not preaching the gospel of global despair but of the obligation of a mighty nation to not only fight those with guns with guns, but to bring peace to so many others who simply hope and pray that their children will live to see a better day.

He will stand with those who stood with us in the liberation of Iraq, and with those who stood against us, because this President knows that as important as it is to sometimes lead even when others are not prepared to follow, it is important to walk together when many will agree to do so.

It is important for us to mind the words of China's U.N. Ambassador, who opposed the war, who said:

I think all of us have views on the Iraqi war. I think definitely the views are different among council members. What is important now is to help achieve peace and stability in that country.

There will be better days in Iraq, and there will be worse days. There will be better days in the war on terror and, God willing, there will be far fewer worse days. But whatever the future brings, we must stand with this President and with this nation and its soldiers and diplomats, and we must on bended knee pray that our efforts bear the fruit of a more prosperous and more peaceful world.

Let me finish with this. Yesterday, I missed my first major vote as a Member of this body. At home, before I left Minnesota for Washington, I attended the wake of the son of one of the folks who works in my office, one of my staff, Bart Cedergren. His son David died in Iraq.

While the cause of death remains unclear, let there be no doubt that he died in the cause of freedom and liberty for the people of Iraq and the people of America.

As I stood there contemplating the loss of the life of this young man and the loss of his life from those who loved him, as I stood there trying to comfort a father who did more to comfort me and those around him, I was once again reminded of the fact that freedom is never free.

Petty Officer 3rd class David A. Cedergren, 25, who was assigned to the Second Marine Division Marine Forces Atlantic, did not join the military to fight war or kill people. He joined it to bring peace and comfort to those afflicted and tormented. David was a medic. He was trained to be a licensed nurse, his heart was filled with compassion. Yesterday, as I watched those whom he loved and those who loved him and his Navy comrades who stood there side by side, all grieved in his passing, I saw in their grief great pride in this young man. He liked this Nation. He did not join this war on terror to fight a war of killer people. He didn't ask for this war to be fought. We joined it and we lead it to bring peace and comfort to the afflicted and the tormented. May God bless America and David Cedergren and that we prevail.

I yield the floor.

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

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

Mr. COLEMAN. Mr. President, I yield back the remainder of the Republican time in this morning session.

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

Under the previous order, the next 60 minutes of morning business for debate only is under the control of the Democratic leader or his designee and the final 60 minutes under the control of the majority leader or his designee.

The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

Mr. President, how much time have I been allotted under the agreement?

The ACTING PRESIDENT pro tempore. Twenty minutes.

Mr. CONRAD. I ask for an additional 10 minutes.

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

Mr. CONRAD. Mr. President, I saw this morning in the Hill newspaper an attack by the Speaker in which he said, in response to a reporter's question, that "al-Qaida would operate better if KERRY were elected President."

Two weeks ago today, the Vice President said, "It is absolutely essential that eight weeks from today on November 2 we make the right choice because if we make the wrong choice

then the danger is that we will get hit again and we will be hit in a way that will be devastating from the standpoint of the United States."

Mr. President, this is dangerous talk. It is dangerous talk for either side to suggest we will be attacked if the other is elected. I remind my Republican friends that when we were attacked on September 11, we on the Democratic side did not say it was because Republicans were in control. That would have been wrong. We did not do that. Instead, we stood shoulder to shoulder, we stood united, we all agreed on an attack on Afghanistan, and we all supported an all-out attack on al-Qaida because it was al-Qaida that attacked the United States.

The President of the United States, when he was running for office, said he would be a uniter and not a divider. But now this President and this administration are dividing us in the most fundamental way. I believe that is a dangerous tact. It is a mistake.

Only the President of the United States can stop this kind of talk. I urge him to do so, to rein in the Vice President, to rein in the Speaker, because when this election is over, we need to stand united.

The debate we need to have is how best to defend our Nation from terrorist attack. It is important for us to recall what happened on September 11. When we saw these images of the attack on the World Trade Center, when we saw the smoke rising from the Pentagon, we were under attack. But it is important for us to remember who attacked us. It was not Iraq. The attackers were al-Qaida led by Osama bin Laden, not Iraq led by Saddam Hussein. As evil as Saddam Hussein was and is, he was not part of the September 11 attack. Here is the man who should be the target, the primary target of the United States. This is Osama bin Laden, the leader of al-Qaida. Al-Qaida are the ones who attacked the United States. Al-Qaida are the ones we have a responsibility to bring to account.

President Bush said in convening his Cabinet at Camp David just a few days after the 9/11 attacks, "There is no question about it, this act will not stand. We will find those who did it. We will smoke them out of their holes. We will get them running and we will bring them to justice." That is what President Bush said just days after the 9/11 attack. It is now 1106 days after that attack—1106 days after the attack on the country, and we have still not gotten Osama bin Laden. We still have not kept the primary focus on al-Qaida. Instead, the President diverted our attention and launched an attack on Iraq.

This is from the March 29 edition of USA Today. It says this:

In 2002 troops from the 5th Special Forces group who specialized in the Middle East were pulled out of the hunt for Osama bin Laden in Afghanistan to prepare for their next assignment: Iraq. Their replacements

were troops with expertise in Spanish cultures.

Mr. President, let's get this straight. It was not Iraq that attacked us. It was al-Qaida. Al-Qaida is led by Osama bin Laden, not Saddam Hussein. And yet this administration shifted the focus from going after Osama bin Laden and al-Qaida and instead shifted special forces to the hunt for Saddam Hussein. He replaced those special forces in Afghanistan with units that were experts in Spanish culture.

The article goes on to say:

The CIA meanwhile was stretched badly in its capacity to collect, translate and analyze information coming from Afghanistan. When the White House raised a new priority, it took specialists away from Afghanistan to ensure Iraq was covered.

The former Secretary of Navy in the Reagan administration says this was one of the biggest blunders, strategic blunders in modern memory. We attacked the wrong target. That is his conclusion. That is the Secretary of Navy in the Reagan administration saying we attacked the wrong target. We have to have a debate in this country about how best to defend America. The first thing we have to get straight is who attacked us and who is preparing to attack us again. It was al-Qaida, not Iraq.

There were no Iraqis on board the planes that attacked on September 11—not one. There is no evidence that Iraq was behind the attack on September 11. It was al-Qaida led by Osama bin Laden.

This administration has diverted its attention from finishing business with Osama bin Laden and al-Qaida and diverted our resources, diverted our attention to Iraq and Saddam Hussein. I believe that was a mistake.

I voted against authorizing this administration to launch this attack because, as I said on the night of our vote, I did not believe it was in the national security interest of the United States to attack Iraq and open up a second front before we finished with the first. The first had to be with the people who attacked us; that was al-Qaida led by Osama bin Laden, not Iraq led by Saddam Hussein.

This is an article that appeared in the Philadelphia Inquirer last year. It says:

Some senior officials concede that the Iraq war also diverted resources from two problems that could prove to be even more pressing than Iraq was: Rooting out the remnants of Osama bin Laden's al-Qaida terrorism network and confronting Iran. A senior intelligence official who spoke on condition of anonymity said that the CIA reassigned to Iraq more than half of the operatives tracking al-Qaida in Afghanistan and Pakistan. As a result, U.S. forces were not able to pursue bin Laden and other al-Qaida leaders as aggressively.

I believe this is a strategic mistake of significant proportion. Again, our primary target has to be al-Qaida led by Osama bin Laden. Instead, the President shifted resources from the hunt for Osama bin Laden and al-Qaida to a hunt for Saddam Hussein in Iraq.

Again, as bad and as evil as Saddam Hussein was and is, he should not have been the primary target of the American military. Instead, we should have focused, I believe, like a laser on the people who attacked us and who are planning to attack us again; that is, al-Qaida led by Osama bin Laden.

This article concludes saying:

Al-Qaida's continuing threat has shown that the Department of Homeland Security raised its terrorism alert level Tuesday after bombings in Saudi Arabia and Morocco.

It is not just these articles. It is not just intelligence officials. We look to the Bush administration's own Web site, the State Department Web site. This is very interesting. Thirty days after the September 11 attack, the State Department had this on their Web site:

Countries where al-Qaida has operated—

This is 30 days after the attack on the United States. This is on the State Department's Web site. Here are the countries they list where al-Qaida was active. They list Albania, Algeria, Bahrain, Belgium, Bosnia, India, and Iran. There is no Iraq. There is no Iraq. There is no Iraq. This is a report signed by the President. This is after the attack. There is no mention of Iraq being a locale for al-Qaida.

But it is not just the State Department. The President himself tried to correct the record last year after the Vice President was asserting and I think fundamentally confusing people suggesting that Iraq and al-Qaida were involved in the September 11 attacks.

The President seeking to correct "reports no evidence of Hussein tie to 9/11."

In the article, it says:

President Bush said today that he had seen no evidence that Saddam Hussein was involved in the September 11 terrorist attacks, as the White House tried to correct an assertion that Vice President Cheney left extremely murky on Sunday. Mr. Cheney on Meet the Press was asked about polls that showed a majority of Americans believe that Mr. Hussein had been involved in the attack.

This is what Mr. CHENEY said: "I think it is not surprising that people make that connection."

Asked whether the connection existed, Mr. CHENEY said: "We don't know. He described Mr. Hussein's reported connections to al-Qaida, connections that American intelligence analysts say were not very deep. Mr. Bush, asked by a reporter today about that statement, said: "No. We have had no evidence that Saddam Hussein was involved in September 11, a far more definitive statement than the Vice President's."

That doesn't end the evidence. The evidence is powerful with respect to the question of who is behind September 11. It was al-Qaida led by Osama bin Laden, not Iraq led by Saddam Hussein. The 9/11 bipartisan commission said this:

The intelligence reports describe friendly contact and indicate some common themes on both sides, "hatred of the United States." But to date we have seen no evidence that these or the earlier contacts ever developed into a collaborative operational relationship,



nor have we seen evidence indicating that Iraq cooperated with al-Qaida in developing or carrying out attacks against the United States.

That is the report of the 9/11 Commission.

It doesn't end there. The Secretary of State was just recently on "Meet the Press." This was in the early days of this month. He said he "had seen nothing that makes a direct connection between Saddam Hussein and that awful regime and what happened on 9/11."

We have all kinds of evidence that al-Qaida was not linked to Iraq in the September 11 attacks or that Iraq was not a link to al-Qaida in the September 11 attacks. The evidence is overwhelming that al-Qaida, led by Osama bin Laden, led those attacks.

I believe deeply that our strategy must be to focus like a laser on those who attacked us. We ought not to allow ourselves to get diverted into this attack on Iraq. We have 10 times America's resources in Iraq as we have in Afghanistan.

We are 1106 days after the attacks on this country and the President has failed to do what he said he would do in holding al-Qaida and Osama bin Laden to account. Osama bin Laden is still at large. His top adviser, al-Zawahiri, is at large. This murderous ally of theirs beheaded an American yesterday, and we have diverted resources from the hunt from those monsters to go after Saddam Hussein in Iraq when the evidence is overwhelming that Iraq was not involved in the September 11 attack.

What doesn't add up here? What doesn't make sense? The Secretary of the Navy in the Reagan administration says we attacked the wrong target. I believe that is correct. We should have kept our focus on Osama bin Laden and al-Qaida and not have been diverted to Saddam Hussein and Iraq.

Let me say to my colleagues that there is additional evidence as well. Our own Intelligence Committee has made findings. For example, Conclusion 96 of the Senate Intelligence Committee says:

The Central Intelligence Agency's assessment that to date there was no evidence proving Iraqi complicity or assistance in an al-Qaida attack was reasonable and objective.

That is our Intelligence Committee led by Republicans on a bipartisan basis concluding there wasn't complicity by al-Qaida and Iraq, that there was not Iraqi complicity or assistance in an al-Qaida attack. Our Intelligence Committee concluded that was reasonable and objective.

Similarly, conclusion 93 says:

The Central Intelligence Agency reasonably assessed that there were likely several instances of contacts between Iraq and al-Qaida throughout the 1990s, but that these contacts did not add up to an established, formal relationship.

If we are going to be effective in this war on terror, we have to get the facts right. The facts are, al-Qaida attacked America, not Iraq. The facts are, we

are 1106 days after that attack, and Osama bin Laden and his chief lieutenants are still out there threatening America and Americans. This President diverted our attention and our resources from running down al-Qaida and Osama bin Laden to an attack on Iraq and Saddam Hussein. That was a mistake, and the sooner we admit to it and the sooner we get about the business of tracking down those who attacked us, the better off our country will be and the safer we will be. That is my strong, deep belief. Whoever wins this election, I believe we have to reorient the resources of America into going after those who attacked us. It was al-Qaida, not Iraq. It was al-Qaida, led by Osama bin Laden, not Iraq, led by Saddam Hussein. That is what our 9/11 Commission tells us. That is what the Secretary of State is saying. That is what the intelligence agencies are telling us. Yet this administration—this administration—made a series of decisions, profound decisions, decisions of enormous consequence, and diverted resources and attention from going after Osama bin Laden and al-Qaida to going after Saddam Hussein and Iraq.

I know many people believe, despite all the evidence to the contrary, that somehow Iraq was deeply involved in the September 11 attack. There is just no evidence to support that. My own conclusion was, and is, this was the wrong war at the wrong time. And the overriding obligation of those of us who are in a position to affect U.S. decisionmaking—the overriding obligation and responsibility that we have—is to defend this country and to do so effectively.

We know al-Qaida is plotting, right now, to again attack our country. We ought to focus like a laser on stopping them. We ought to focus like a laser on holding al-Qaida and Osama bin Laden to account. We should never have shifted our resources from the hunt for Osama bin Laden and al-Qaida leaders to the hunt for Saddam Hussein in Iraq. It was a mistake, and we have to be big enough to say it was a mistake and move on and remember who it was that attacked us and use the awesome resources of this country to go after those who are plotting to attack us again.

We have to get these facts right. We have to reduce the confusion out here, when a majority of the American people thinks Iraq was behind the attacks of September 11 and we know full well that is not the case.

The President and Vice President of the United States have a heavy responsibility. They are the leaders of this country. They are the leaders of the free world. They have an obligation, a solemn obligation, to make certain that the United States focuses on those who attacked us—not to confuse the issue, not to distract us from those who are responsible for the loss of nearly 3,000 American lives.

Mr. President, it is hard to talk about these things when you are just

weeks before an election and not have a political component to the debate and the discussion. But we, I believe, as a nation, need to have a full and vigorous debate on how we best defend this Nation. My strong belief is that we need to keep the focus on the people who attacked America on September 11, and it was al-Qaida, led by Osama bin Laden, not Iraq, led by Saddam Hussein. The evidence is overwhelming.

We need to refocus the efforts of the awesome American military on hunting down Osama bin Laden, on hunting down his chief allies and holding them to account. That is the best way to send a signal of American resolve and determination and American unwillingness to accept the vicious attack on our country.

Mr. President, I yield the floor and 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.

Ms. STABENOW. 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.

There are time allocations that have been assigned for the remaining 27 minutes.

Ms. STABENOW. I ask unanimous consent for 15 minutes if there is time available. If not, I would appreciate it if the Chair could indicate who has been designated the time.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota has 10 minutes, and the Senator from Arkansas has 15 minutes of the time. There is 26 minutes remaining, but of those, 25 has been allocated.

Ms. STABENOW. It is my understanding, through staff, that Senator LINCOLN will not be coming to the floor at this time. So if there is no objection, I ask unanimous consent to use the time of the Senator from Arkansas. And if she comes to the floor, I will certainly yield to her.

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

#### MEDICARE PREMIUM INCREASE

Ms. STABENOW. Mr. President, I rise to speak on the announcement of a dramatic increase in the Medicare Part B premium for seniors and the concern the people of Michigan have about trying to pay a 17.5-percent premium increase for next year. Just a day after President Bush touted his efforts to help our seniors and the disabled cope with increased medical expenses, his administration announced the largest premium increase in Medicare's history, dating back to 1965.

Unfortunately, nothing has been done about record increases in the cost of health care over the last 4 years. Now we see the largest premium increase, a 17.5-percent increase. We have



seen it consistently going up since 2001. It is time to say enough is enough.

Seniors are only going to see about a 3-percent increase in their Social Security cost of living. Yet the Part B premium comes directly out of that track. So instead of getting at least a 3-percent increase to help pay for food and the mortgage and utility bills, prescription drugs and so on, they will actually see a reduction of 14.5 percent in what they receive through Social Security.

This is absolutely unacceptable. Unfortunately, instead of helping, Congress and this administration have pushed through a Medicare plan about which CMS Administrator McClellan has acknowledged that about a sixth of this year's premium increase results from the billions that Medicare is paying private health plans to encourage them to offer private health insurance. So what we see are conscious decisions that we made that have caused this increase to be as high as it is. I believe they were the wrong decisions, the wrong choices.

It doesn't make sense and it is not fair that the millions of seniors who enjoy and want to stay in traditional Medicare—about 89 percent of seniors right now have chosen traditional Medicare over Medicare+Choice or being in an HMO—have to subsidize the big private health insurance companies and HMOs and the 11 percent of the seniors and disabled who have the ability or have the choice, even, to be in an HMO.

Moreover, we have heard time and time again that the private plans are less efficient than traditional Medicare. I have shown charts on the floor as we have debated the Medicare prescription drug bill. We have seen the Congressional Budget Office analysis. In fact, we heard it again last week when the Medicare Payment Advisory Commission reported that CMS pays Medicare private health plans an average of 107 percent of what it costs to care for the same beneficiaries under traditional fee-for-service programs.

At a time when we are looking at great concerns about the long-term solvency of Medicare, looking at these huge increases that have occurred for seniors related to the premiums for Medicare, we are hearing from the Medicare Payment Advisory Commission that CMS is paying private plans an average of 107 percent of what it costs to care for beneficiaries under traditional Medicare.

This makes absolutely no sense, no matter how you look at it. According to the report, Medicare payments to private plans cost 16 percent to 23 percent more than traditional plans. So, basically, we can be spending up to 23 percent more on the approach of privatizing Medicare. That is what it is; this is a strategy to privatize Medicare, which the majority of seniors have not asked for, they have not chosen, and they don't want; and the icing on the cake is it costs up to 23 percent more.

I ask, if HMOs are so much better and more efficient, why do they need the extra dollars? I am certainly not opposed to HMOs. I have participated in the past, as my mother has, when she was on Medicare and when Medicare HMO was available in our community. She got dropped, unfortunately, when they chose to leave. Certainly, this is not a discussion about whether HMOs provide an important service or quality service.

My concern is, within the context of Medicare, why, if they are so much better and more efficient, are we providing them more money? The debate on privatization was that somehow Medicare is going broke, the trust fund is going to run out of money; therefore, we have to privatize Medicare. And exactly the opposite result has occurred as we have begun to privatize Medicare. Premiums for seniors are going up faster than at any other time in our history. We hear from independent reports that it costs anywhere from 16 percent to 23 percent more to privatize Medicare than to keep it the way it is. With higher administrative costs, in fact, private plans are more costly than regular Medicare. So we are told they need subsidies because it costs more to administer them.

Again, the whole point is to be more efficient, stretch the dollars farther, lower costs, so we can provide better prescription drug coverage for seniors and other kinds of preventive care they need, and that Medicare remains solvent and healthy for the future. Older Americans are staggering under the relentless increases in the cost of their health care and prescription drugs. We have all heard the stories. More older Americans will face harsh choices in meeting basic needs of health, food, housing, and paying utility bills. Meeting those challenges will be even more difficult as percentage increases in Medicare premiums greatly outpace the increases for Social Security. The increase will be especially painful because Social Security payments again are expected to rise less than 3 percent. I say "expected" because we don't know how much or how little Social Security payments will be yet.

Yet, this year, this administration decided to release the Medicare numbers the Friday right before Labor Day, right before the weekend when the news was focused on a hurricane. That is some holiday for millions of seniors who have labored their whole lives. We learned the OMB moved up the release of this huge increase by 6 weeks. In fact, we hear today in an article that the internal administration memo reveals that the unprecedented 17-percent increase in Medicare premiums seniors will pay in 2005 was scheduled for release October 22. It was scheduled for release on October 22, along with Social Security COLA payments.

Obviously, somebody looked at this and said: This is the largest increase in the history of the program. We want to make sure it is done as quietly as pos-

sible. So they chose the Friday before the Labor Day weekend, late in the afternoon, in the middle of a hurricane, to release the numbers.

OMB received the premium notice from HHS on September 1 and cleared it for release only 2 days later. As I said, for the last at least 10 years, they have done it in October along with Social Security.

We are not going to only talk about premium increases here today. We have the ability to do something about it. I am proud to be doing something about this, saying enough is enough; the portion of this that comes from privatizing Medicare needs to be removed and we need to put these premiums back in line with Social Security.

We know health care costs are going up for everyone—every family and every business. In a larger sense, we need to be addressing that as well, which we can do with the cost of prescription drugs. We can bring it to the floor and pass an effort to open the border and lower the costs in half by allowing pharmacists to do business safely with pharmacists in Canada and other places. There are other strategies. There are things we can do to address the broader issue of health care and we need to be doing them.

But while this is happening, we should not be saying to our seniors, saying to someone on Medicare, that instead of addressing these issues, we are going to require you to pay an extra-large increase because of a policy made here to privatize Medicare that, in the face of all evidence, shows the administrative costs are higher and the costs of providing the kinds of care are higher. We now have one more report saying that. In the face of all objective evidence, the Congress and the President have moved forward to want to privatize Medicare, anyway, saying it will lower prices, when in fact it has resulted in the largest premium increase for seniors and the disabled in the history of the Medicare Program.

I believe this is wrong. So I have introduced S. 2780, Keeping the Promise of Medicare Act, with 11 of my colleagues. My bill would cap the Part B premium at the same level as the cost-of-living adjustment so that seniors do not see real cuts in their Social Security benefits. In other words, we would at least keep seniors whole, moving in the right direction while we deal with these other issues, in terms of rising health care costs that need to be and must be addressed.

We need a sense of urgency about this issue. Health care is not optional. This is one of the most urgent issues a family addresses. It is the most urgent cost right now that businesses across the country are facing. Yet we do not see that sense of urgency, even though I know colleagues on both sides of the aisle have concerns, have knowledge about this, and want to see something happen. We can do better than that. We can do better for our seniors through

Medicare. We can do better for businesses that are desperately asking us for help. We can do better for our families, for every worker being asked to pay more for health care, or losing their job because the company cannot keep their health care plan and their jobs. There is more we can do, much more. I urge my colleagues to join with me in one step, S. 2780, Keeping the Promise of Medicare Act. We can, at minimum, start by saying to our seniors we are going to make sure you are not burdened with the costs of paying for these policies to privatize. We will keep you whole by capping this increase at the same level as the cost of living for Social Security. I hope we will vote on this bill before we leave and have the same sense of urgency about it that those paying their bills have every day.

I yield the floor.

Mr. DAYTON. Mr. President, I commend my colleague from Michigan. I am a proud cosponsor of her legislation. She has been a true champion for seniors and affordable prescription drugs, and she continues that leadership today.

#### IRAQ

Mr. DAYTON. Mr. President, yesterday Senator JOHN KERRY told the American people the truth about Iraq, the truth about the past, the truth about the present, and the truth about the future. President Bush, Vice President CHENEY, and other administration apologists complain he did not show enough optimism. Senator KERRY decided that honesty was more important than false optimism.

President Bush and Vice President CHENEY have not been honest about Iraq from the beginning. They have not been honest about Iraq with this Senate, not with the House, nor with the American people. JOHN KERRY gave us yesterday what we need: honesty about Iraq.

He was not alone in the last few days. I salute my Republican colleagues—five of them—for their honesty about the situation in Iraq. It cannot be easy to tell the American people the truth and to stand up to an administration of their own party which is not telling the truth. They are remarkable American patriots who recognize, as Senator ROBERT C. BYRD, the great senior Senator from West Virginia, has reminded us, that we serve with Presidents of the United States, not under them.

We are elected separately to serve independently and to exercise our own best judgments about what is best for our respective States and for our United States.

Listen to what five of our Republican Senators have said recently. One said that President Bush's rosy pronouncements about the situation in Iraq "are not as straight as we would want them to be."

Another stated:

A crisp, sharp analysis of our policies is required.

A third, upon noting that of the \$18.5 billion Congress appropriated for Iraq's reconstruction a year ago, only \$1 billion has been expended, called this "the incompetence in the administration."

A fourth Republican Senator stated the other day that he may not vote for President Bush in November, to which another Republican Senator replied:

What I like about him is that he can be a Republican Senator and, at the same time, he is unsure about our Republican President. He is a breath of fresh air in politics.

As he is. And we need also a breath of fresh air in the White House, along with fresh words of truth which we received yesterday from Senator KERRY.

The response of the Bush White House to these honest assessments by Senator KERRY and by our Republican Senate colleagues has been to attack them and blame everyone else. President Truman said when he was President, "The buck stops here." With this President, it is "the blame starts here"—blame those who opposed this war from the beginning, as I did; blame those who question his bungling of the running of Iraq after our courageous Armed Forces won the country in 3 weeks and still die daily because Iraqis will not take responsibility for their own country. And now he blames his political opponent for telling the American people the truth about Iraq, the truth that he has consistently withheld.

I am not clear exactly about what we are supposed to be optimistic. Certainly not the report of the President's own National Intelligence Council which, according to an Associated Press story last week, "presented President Bush this summer with three pessimistic scenarios regarding the security situation in Iraq, including the possibility of a civil war there before the end of 2005."

Mr. President, I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DAYTON. Mr. President, how are we to view the continuing violence in Iraq, the murders of American soldiers as they stand guard in a country that its own citizens are unwilling or unable to guard for themselves, or the American citizens hired to work there who are being kidnapped and beheaded? Tell the 138,000 American soldiers who are courageously serving their country, risking and some losing their lives, and wondering when are they coming home. I say to those who tell patriotic dissenters that they are not supporting our troops—the printable part is, if you want to support our troops, bring them home alive soon, not in 10 or 20 years, as Senator MCCAIN has recently predicted.

Make Iraqis protect and defend their own country. That is what people do in a democracy. That is what people do in

any form of stable national government: They impose law and order in their own cities. They provide public safety on their own highways. They defend their own national borders.

Over a year ago, in August of 2003, the Bush administration claimed that 95 percent of Iraq was peacefully occupied and operating normally. Now we see daily reports that violence is spreading and becoming more murderous. The Iraqi Prime Minister claims that "foreign terrorists are still pouring in," a common cry to rally Americans behind the fallacy that their sons and daughters must die in Najev and Baghdad so we will not die in New York and Boston. He says more troops are needed to win. Following the party line, he says: We need more participation from other countries.

We needed more participation from other countries 2 years ago when Congress was stamped as part of the 2002 midterm election strategy to vote a blank check for warmaking based on completely false information from the Bush administration, including the President and the Vice President themselves.

We needed more participation from other countries when the United States and Great Britain bilaterally invaded Iraq in 2003. Or when the operation of that country failed to begin 3 weeks later. We need it now. Now that President Bush has made a mess of the situation in Iraq, are there any international volunteers?

How about participation from the people of Iraq against the supposedly "5,000 to 10,000" insurgents, 95 percent of whom we are told are Iraqis who do not like the presence of the United States there. On paper, we were told over almost a year ago by the Secretary of Defense that there were 206,000 Iraqi militia and army military personnel who were being trained or had been trained—206,000 we were told. Last week, the Secretary of Defense admits that only half of that number have actually been trained.

We are told that less than \$1 billion of the \$5 billion that Congress appropriated 1 year ago for security training has been expended. And that is why the Republican chairman of the Senate Foreign Relations Committee said over the weekend that this is the incompetence of this administration. The buck stops there.

Mr. President, I ask unanimous consent that I may have 2 minutes to complete my remarks.

The ACTING PRESIDENT pro tempore. Democratic time remains—3 minutes 43 seconds.

Mr. DAYTON. I ask that I may have 2 minutes of that time to complete my remarks.

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

Mr. DAYTON. Mr. President, the buck stops in the White House. The blame starts there and it ends there. Senator JOHN KERRY is not responsible

for this war. Congress is culpable to some extent, but is not responsible for it. President Bush is responsible. Now that things are going badly and getting worse—and I say that not because it is pessimism, I say that because it is the truth. JOHN KERRY told the American people the truth. President Bush should start doing the same.

I thank the Chair. I yield the floor.

EXHIBIT 1

[From AOL News]

INTELLIGENCE REPORT OFFERED BLEAK VIEW  
OF IRAQ

(By Katherine Pfleger Shrader)

WASHINGTON (Sept. 16).—The National Intelligence Council presented President Bush this summer with three pessimistic scenarios regarding the security situation in Iraq, including the possibility of a civil war there before the end of 2005.

In a highly classified National Intelligence Estimate, the council looked at the political, economic and security situation in the wartorn country and determined that—at best—a tenuous stability was possible, a U.S. official said late Wednesday, speaking on the condition of anonymity. The document lays out a second scenario in which increased extremism and fragmentation in Iraqi society impede efforts to build a central government and adversely affect efforts to democratize the country.

In a third, worst-case scenario, the intelligence council contemplated “trend lines that would point to a civil war,” the official said. The potential conflict could be among the country’s three main populations—the Sunnis, Shiites and Kurds.

It “would be fair” to call the document “pessimistic,” the official added. But “the contents shouldn’t come as a particular surprise to anyone who is following developments in Iraq. It encapsulates trends that are clearly apparent.”

The ACTING PRESIDENT pro tempore. There is 2½ minutes still under the control of the Democrats.

Mr. DAYTON. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. 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.

Mr. DAYTON. I yield back the remainder of our time.

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

The Senator from Pennsylvania.

#### CHARITABLE GIVING ACT

Mr. SANTORUM. Mr. President, I thank the Senator from Minnesota for yielding back his time.

Shortly, I will be making a unanimous consent request to move certain legislation to conference, the Charitable Giving Act that passed the House, or the CARE Act that passed in the Senate. These two bills, very similar in nature, were passed earlier in this session, actually last year—both

were passed last year—to try to help those organizations that are out on the front lines meeting the needs of our society. These are nonprofit organizations across America. The President refers to them as “arms of compassion,” those who meet human service needs, those who meet educational needs, our not-for-profit sector, which are a vitally important part of what makes America tick and what makes our country the great envy of the world in the sense that we have such strong communities, we have such strong voluntarism, we have such strong commitment to our neighbor.

These community organizations have seen, particularly in light of the decline in the stock market in the early part of this decade, with some of the problems we have had with our economy early in the decade, the amount of charitable giving decline. So as a result, to respond to these pressing needs, and actually to make the Tax Code, I would say, more equitable, we put forward a bipartisan bill offered by Senator JOE LIEBERMAN and me that passed 95 to 5. Support for this bill is pretty overwhelming. In the House, it passed 408 to 13, and in the Senate it passed 95 to 5. So there is strong support to try to help these charitable organizations meet the needs of those in our society.

Unfortunately, we have run into a roadblock. The roadblock is there are differences between the House and Senate bills. We would like to sit down and work out those differences in conference and move to a final solution to help these nonprofit organizations. We have been blocked repeatedly on the Senate floor from appointing conferees on a bill that is virtually noncontroversial, that has almost passed unanimously in both Houses, different versions, but we have not been able to do so.

On eight occasions I have come to the Senate floor and asked for consent to do what we do as a normal course of record, which is to sit down with the House in a conference and come up with a bill to be voted up or down by both the House and Senate. We have had objections to it. In fact, we have had eight objections by the Democratic leadership; 7 times Senator REID objected, and the most recent one Senator DASCHLE objected. I am going to offer another one today.

We are approaching the end of the session. We are approaching a point where all the work that has been done on this legislation is going to come to an end. There are 1,600 groups supporting this legislation. There are 1,600 national nonprofit organizations that have come forward and said: We want this to be passed.

Not only that, Senator DASCHLE himself said in an op-ed—which I ask unanimous consent to have printed in the RECORD.

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

[From the Rapid City Journal, Feb. 15, 2002]  
COMPROMISE GOOD FOR SD., AMERICA

(By Senator Tom Daschle)

WASHINGTON—Sept. 11 filled all of us with an overwhelming sense of grief. But like other human tragedies, Sept. 11 also taught us something important about ourselves. It reawakened in Americans a sense of generosity and civic duty. There was a heartfelt outpouring of altruism across the country as Americans united to provide assistance to the victims of Sept. 11.

It is important to continue building on this generous spirit by creating living memorials to the victims of September 11—not just in New York and Washington, but in Sioux Falls and Rapid City, in Newell, Faith, Elk Point and every community across South Dakota and America. We can do this by embracing President Bush’s call to build on the important partnership between the federal government and community-based and faith-based organizations.

President Bush has been working with Democrats and Republicans in Congress to promote charitable giving and encourage community and faith-based groups. On Feb. 8, the president and a bipartisan group of Senators unveiled the Charity Aid, Recovery and Empowerment Act—or CARE Act—that will harness the goodwill of Americans and turn this goodwill into good works.

I strongly support this faith-based initiative, and commend President Bush and Sen. Joseph Lieberman for their joint leadership on an issue that is so close to their hearts and so important to our nation.

Community and faith-based organizations do not seek to replace government. There will always be a need for programs like Social Security, Medicare or Head Start. What this proposal seeks to do is strengthen the partnership whereby charities and government can work side-by-side to meet some of the great unmet needs of our nation.

South Dakotans know the good works charities perform. They have seen success stories. Sioux Falls Promise works with community and religious leaders and educators to meet the needs of children and young people. In Rapid City, Catholic Social Services provides adoption services and family counseling, while in Sioux Falls Lutheran Social Services runs one of the best immigrant assistance programs in the country. In other communities in our state and across the country, religious-based charities tutor and mentor children, give shelter to battered women and children, help young people find jobs, and feed the hungry by running soup kitchens and food pantries.

The bipartisan faith-based initiative announced by President Bush will help meet unmet needs in our communities by providing tax incentives to businesses and individuals to give money to charities, by simplifying the process by which charities can qualify for tax exempt status, and by providing technical assistance for community and faith-based groups.

In the wake of Sept. 11, it will provide a framework and incentives for Americans to take up arms against enemies here at home, including poverty, illiteracy, hunger and homelessness.

The CARE Act isn’t a Republican or a Democratic plan. It is a bipartisan proposal that strikes the right balance between harnessing the best forces of faith in our public life without infringing on the First Amendment. It reflects a broad concept of public service and builds on programs sponsored by presidents from John F. Kennedy to President Bush’s own father. Most importantly, it is representative of what we can accomplish in Washington when we put partisanship and politics aside and focus on what matters. I

look forward to working with President Bush to get this proposal signed into law.

Mr. SANTORUM. He said himself to the *Rapid City Journal* in an op-ed in South Dakota, talking about how good legislation this was:

The CARE Act isn't a Republican or Democratic plan. It is a bipartisan proposal that strikes the right balance between harnessing the best forces of faith in our public life without infringing on the First Amendment . . . I look forward to working with President Bush to get this proposal signed into law.

It is nice that the Democratic leader said that he is looking forward to it being signed into law, but he has done everything to stop it from actually becoming law by standing up and objecting to this legislation going to the conference committee so we can work out differences.

Many of those differences are going to be tough to work out. I will admit, some of the funding issues for social service block grant funds, some of the issues with respect to how much tax relief we are going to give to those who contribute to nonprofits, are going to be difficult issues to deal with, and there are going to be compromises that are going to be needed. There are going to be some things that Republicans are not going to be happy with in this compromise. There are going to be some things that Democrats are not going to be happy with in the compromise. But we need a vehicle to be able to sit down and work out these differences because people are not going to be able to get the benefits of this legislation, and they are profound benefits, unless we act.

Just to go through very quickly what the benefits are, there is a provision to encourage food donations. This is a very important part of meeting the needs of the hungry in America. Yes, we have Federal dollars that go for that purpose, but as my colleagues know, the vast majority of the food that is distributed through food pantries, soup kitchens, or missions comes from private donations. That is where the vast majority of the food comes from.

Yes, we do provide some Federal assistance to America's Second Harvest, to other organizations, but the vast majority comes from donations. There is an area of the law that candidly does not encourage, because of the Tax Code, some purveyors of food to give their surplus food for the hungry in America. So we changed that provision of the law. We believe—not we—America's Second Harvest believes that 878 million meals will be provided, as a result of this provision, for hungry Americans over the next 10 years. This is not a small amount. This is not a minor, trivial matter.

For those who care about hunger in America, and as someone who was a sponsor of the bill in the Senate that passed, the Good Samaritan Food Donation Act, I care a lot about America's Second Harvest and others who

have the food necessary to be able to meet the needs of the hungry in America.

Individual development accounts—Senator LIEBERMAN, Senator FEINSTEIN, myself, and others have been working on this for years to try to help low-income Americans have the opportunity to accumulate wealth, to have savings and investment, to help them to get a college education, to get a GED, or to have the opportunity to own a home or to start a business, 300,000 matched savings accounts, matched with Government and private dollars to help low-income individuals save, to build wealth.

We have heard the President talk about an ownership society. This is a very important part of that ownership society in this bill. There is \$2 billion of educational resources through what is called an IRA charitable rollover. People have IRAs, and some people who have IRAs candidly have a lot of money, and they do not need that money for retirement. If they want to give it to a charity, they are heavily penalized if they do. This will allow them to roll over their IRA. The biggest beneficiaries of this approximately \$3 billion that we believe will be contributed will be educational institutions. Colleges, universities, private schools, maybe charter schools, and other educational institutions will benefit from this provision, and that is why all of the public universities and private universities in the country are for this provision and believe it can be a great help to educating our children and keeping the cost of education down.

Eighty-six million lower and middle-income Americans will benefit from the nonitemized deduction. What does that mean? Two-thirds of Americans do not itemize, period. They fill out the short form, the 1040EZ. We have a certified public accountant in the Chair, and he can explain this better than I can, but I will do my best.

Right now, if someone is one of these two-thirds of Americans who contribute to their church, the Red Cross, the Salvation Army, they cannot deduct the contribution that they made; whereas, if one itemizes, they can. So what we are trying to do is to provide some encouragement for people who do not have complex tax forms to give money to these organizations. That is what this nonitemized deduction for charitable giving is about. Eighty-six million lower- and middle-income Americans will do that, and it will be billions of dollars in increased donations as a result of it.

As JOE LIEBERMAN said—we had a press conference recently—what is left in this bill is all good. There is nothing bad. There is nothing controversial or that would be disagreed upon. There is disagreement on how to pay for this. There is disagreement on how much of this we want to do. There is disagreement as to how much we are going to have in direct Government assistance

to nonprofit organizations, social service block grant funds. All of that is a controversy, but all of it is an argument on how much good we want to do, or how the focus should be.

The idea that we cannot get a discussion on how we can help those in need in our society, how we can help those organizations that want to help those in need, and get that into a form in which we can resolve these differences and come to a solution, to me, is very discouraging.

I have met with Senator DASCHLE from South Dakota. I have asked him to allow us to go to conference, and the Senator from South Dakota basically said: You have to agree before we go to conference to everything I want in this bill. If you don't agree with everything I want in this bill, then you can't go to conference.

What is the point of conference? If we have to do exactly what the Senator from South Dakota wants, to write this bill exactly how he wants it or we can't get a bill, that is hardly the kind of bipartisan cooperation that we have seen in getting this bill to the point it is right now. This is not the way legislating works. It is not my way or the highway from the minority. It is not my way or the highway to the American people, who would like to see some help for those in need in our society. You either do it the way I want to as the Democratic leader of the minority in the Senate, not the way the President would like to do it, nor the way the House would like to do it, nor how the Senate majority would like to do it, but how the Senator from South Dakota would like to do it himself. That, to me, is not bipartisanship. That is not reaching across the aisle to make things happen in a positive direction for an area in the country that is in need.

I am willing to compromise. I have said to the Senator—in fact, I said to the Senator from South Dakota that I am willing to make reductions in areas of this bill that I care most about, and I am willing to give in areas that I care probably less about. I am willing to make that compromise, but it is not all or nothing. It can't be all or nothing. That is what we are being told. To me, that is an insult to the very people we are attempting to help and certainly not in keeping with the comments of the Senator from South Dakota that he made in Rapid City. I understand how he would say those things in South Dakota. But here in Washington, DC, it is a very different story. It is not a story that says to those who are not-for-profit organizations that want to help, that need these resources and are in need, to not come and apply because we are going to deal with you exactly how this bill is going to be written.

This bill has been written in more of a bipartisan fashion than any bill I have ever been involved with in the Senate or in the House where I served. This is all good, the Senator from Connecticut said.

I am hopeful we will have an opportunity to place this good legislation in a situation where we can forge a compromise that will give us not everything I want, not everything the Senator from Connecticut wants, not everything the Representative in the House who is leading the effort on the House side wants, not what others want, but that we can arrive at a compromise in a bipartisan way to allow this bill to provide remedies for the needs of our society by getting this bill passed and signed into law.

UNANIMOUS-CONSENT REQUEST—H.R. 7

I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 7, the charitable giving bill, and the Senate proceed to its immediate consideration.

I further ask unanimous consent that all after the enacting clause be stricken, that the substitute amendment, which is the text of S. 476, the Senate-passed version of the charitable giving bill, be agreed to; that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table; further, that the Senate insist on its amendment and request a conference with the House; that the Chair be authorized to appoint conferees with a ratio of 3 to 2; and that any statements to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. SANTORUM. Mr. President, if I can conclude and then I would be happy to let the Senator speak, I will submit for the RECORD a letter from Senator LIEBERMAN and I to the conferees on the FSC/ETI bill. We believe this is an important enough measure that we should pass it this year. If we are not able to go to conference and work out differences, Senator LIEBERMAN and I may ask the conferees on this tax bill to please consider the Charitable Giving Act as part of the FSC/ETI conference. I hope if this is not the vehicle, we can get it to conference another way.

I ask unanimous consent that this letter 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, July 22, 2004.

DEAR CONFEREES: We are writing on behalf of the charitable community, large and small, across this country seeking to aid families and better their neighborhoods and communities by helping those in need. As you know, both the Senate and the House of Representatives have passed legislation in this Congress with overwhelming bipartisan support that provides significant additional incentives for charitable giving around the country and additional resources for efforts to help those in need including innovative Individual Development Accounts (IDAs), increased Social Services Block Grant (SSBG) funding, and the Compassion Capital Fund.

The Charity Aid, Recovery, and Empowerment Act (CARE) passed the Senate on April 9, 2003, by a vote of 95-5. The House of Representatives passed companion legislation, the Charitable Giving Act, on September 17, 2003, by a vote of 408-13.

Since both the Senate and the House have strongly supported charitable incentives, and since both the Senate and House FSC-ETI (JOBS) bills include charitable reforms which limit existing practices, inclusion of a package of charitable incentives in the FSC-ETI conference is appropriate and within the scope of the conference for this Congress. Furthermore, we believe that any revenue raised through constructive reforms impacting charities should be dedicated to expanding charitable giving incentives in order to help those in need.

We strongly urge the conferees to work with the many sponsors and supporters of the CARE Act in the Senate and the Charitable Giving Act in the House to include the significant provisions shared by both bills and full and fair consideration of those that differ—for the benefit of all Americans. The time has come to expand the tools of generosity and increase resources for those in need in a bipartisan fashion.

Thank you for your consideration of this request. We look forward to working with you in this important effort.

Sincerely,

RICK SANTORUM,  
JOSEPH LIEBERMAN,  
*U.S. Senators.*

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I just came to the floor after having presented an award to Senator GORDON SMITH. The Suicide Prevention National Organization gave him an award, which is the No. 1 award that this organization can present. GORDON SMITH's son took his own life at age 22. We passed in the Senate in recent days—in fact, on Garrett Smith's birthday—the Garrett Smith Suicide Prevention Act.

The reason I mention that is that matter was passed and is going to become law. The President will sign it any day.

As a result of what I suggest to my friend from Pennsylvania happened in this instance, we are not objecting to the passage of this bill. We have never objected to the passage of this bill. We are simply saying that it be handled in the way the Garrett Smith legislation passed, and let the House take whatever action on it and we bring it back. If we like what they have done, we will take it; if not, we will amend it and send it back to them.

We have had numerous bills enacted into law without using a conference to negotiate differences between the House and the Senate. I say numerous; I don't say several. I say numerous. I have not counted these, but I assume there are about 100 pieces of legislation.

The PRESIDING OFFICER (Mr. SANTORUM). The time is under the control of the Senator from Wyoming.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak in response to the Senator from Pennsylvania for up to 10 minutes. I will be happy if the Senator wants me to speak afterwards, whatever he wants

me to do. I know we have a recess to take place at 12:30. I want to give fairness, and I should have the opportunity to respond.

Mr. ENZI. Mr. President, the Senator from Nevada may wish to speak after I speak. I will be covering some of the same ground. I will be making a unanimous consent request.

Mr. REID. Would the Senator allow me to respond to him and Senator SANTORUM's unanimous consent request following his statement?

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, if there is to be an agreement soon, I would like to be a part of that agreement. I would like to offer a unanimous consent request to set a date for a vote on the reimportation of prescription drugs. If we reach an agreement, I would like to be a part of that so I can offer a unanimous consent request that the Senate be able to consider that issue.

Mr. ENZI. I am going to object to giving some leeway to the Senator from Nevada to give some kind of response because we are going to be asking unanimous consent. But I have listened for the last 2½ hours to comments from the other side that I have not been able to respond to. To give unlimited additional time to the other side to again make comments that we obviously would like to comment on, too, isn't reasonable at this point in time. We are already into the time of the policy meetings, so we are extending beyond that time. We are having to take that time in order to use our allotted time.

The PRESIDING OFFICER. Objection is heard.

The Senator from Wyoming.

UNANIMOUS CONSENT REQUEST—  
H.R. 1261

Mr. ENZI. Mr. President, I have heard a lot of talk by my colleagues on the other side of the aisle about jobs and workers. But I have to tell you that their actions don't match their words. It is a little disingenuous to come talk about jobs and then block a job training bill.

I point out one very important program we have that helps American workers improve their skills and get a new or better job so they can make a better life for themselves and their families. It is the nation's job training program created under the Workforce Investment Act. This job training legislation would help over 900,000 unemployed workers each year get back to work.

We keep talking about jobs and work, but we haven't been able to get this important bill into conference.

If the other party really wanted to provide working families with the help they need, they would be a lot less talkative, and they would be a lot more active when it comes to moving this bill on job training to conference and enacting it into law.

This obstruction by my colleagues on the other side of the aisle hurts our workers, it hurts our businesses, and it hurts our ability to compete in the global marketplace.

Let us look at the facts. The economy has shown 12 straight months of job gains. Last month, payroll employment increased by 144,000 jobs. Nearly 1.7 million new jobs have been created over the past year. The unemployment rate fell to 5.4 percent.

Mr. REID. Mr. President, I ask for regular order.

Mr. ENZI. I believe under regular order that for our time we have up to 60 minutes, that there was no set time for adjourning for the policy committees.

The PRESIDING OFFICER. I say to the Democratic whip that the time is now controlled by the Republicans. We are under a unanimous consent agreement that time was divided between the two sides. There is 41 minutes 19 seconds on the Republican side.

Mr. REID. I apologize to the Chair. I thought we were going out for our recess. So how much time is left for the Republicans?

The PRESIDING OFFICER. There is now 41 minutes 8 seconds on the majority side. There is no time left on the minority side.

Mr. REID. Mr. President, I apologize for interrupting my friend.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, we have laid the groundwork for the economic recovery we are experiencing today. President Bush's economic policies continue to create new jobs and move the economy forward. This all adds up to good news for the American people; not good news if you do not have a job. But this is a job-training program I am talking about so you can get a job, or if you have a job and want a better job, you can get skills improvement. We have weathered the storm and we are poised to enter a new period of prosperity.

However, I have to caution you about some serious roadblocks that stand in the way of prosperity for our workers and businesses alike. The first roadblock is a gap between the skills our workforce has and the skills our employers need. The second roadblock is the Democrats' obstruction of the job-training legislation that will help close this skills gap.

First I will talk about the skills gap so you can understand just how damaging the Democrats' obstruction is to our workers and our economy.

It may surprise you to learn that many good jobs in this country will remain unfilled because employers cannot find workers with the skills they need. This skills gap is not about politics; it is about education and training; it is about demographics; it is about America's competitiveness in the global marketplace.

This chart shows the expected labor force and labor force demand from 2002 to 2031. You can see the line with the boxes on it which shows the labor that is going to be needed. You can see the

other less-increasing line that shows the labor that will be available. You can see the gap we will have between the number needed and the number available. We will not have enough workers to fill our jobs and we will not have enough workers with the right skills for those jobs. And we do not right now.

According to a 2003 survey by the Center for Workforce Preparation, an affiliate of the U.S. Chamber of Commerce, half of the employers reported difficulty in finding qualified workers. The problem is greatest for small employers. Small business—our greatest source of economic growth—cannot create jobs if they do not have skilled workers to fill them.

The gap between the demand for high-skilled workers and the supply will only widen in the future. Looking ahead 2 years, only 30 percent of the employers surveyed by the Center for Workforce Preparation believe the skills of their workers will keep pace. As policymakers, we too must look ahead to the growing skills gap that demands our attention and our action now.

Another chart shows the projected skilled- and unskilled-worker gap in 2010 and 2020. In 2010, the skilled-worker gap will be 5.3 million; by 2020, it will be 14 million. The unskilled-worker gap will move from 1.7 million in 2010 to 7 million in 2020. That is 7 million total by 2010, and 21 million total by 2020.

This skills gap blocks the way to better jobs and better lives for American workers and their families. This skills gap also threatens the ability of American businesses to compete in a more complex, global economy. In the book called "The Jobs Revolution," by Steve Gunderson, Robert Jones, and Kathryn Scanland, they describe the impact of this skills gap:

Every unfilled job translates to products and services we cannot deliver to the global market and, therefore, dollars we cannot return to the U.S. economy. Almost certainly, jobs unfilled in the U.S. will go elsewhere and not return.

Now, we can change this outcome. We can keep jobs and prosperity in America. But we must act now to close the skills gap by improving our education and our job training system.

When Federal Reserve Chairman Alan Greenspan testified before the Senate Banking Committee, he said:

[W]hat will ultimately determine the standard of living in this country is the skill of the people.

Why is effective workforce training so important? Because in an increasingly knowledge-based economy, people—their talent and their ideas—make the difference. People are a company's most important resource. The skills and ingenuity of the American workforce will drive our economy in the 21st century and beyond. If we want to keep high-paying jobs in America, our challenge is to equip our workers with skills the global economy demands.

We used to manufacture buggy whips. We do not make them anymore, or hardly any of them. The workers who

made buggy whips had to learn new skills. The new economy creates new jobs and those new jobs demand new skills.

We cannot turn back the clock. To quote again from "The Jobs Revolution":

We'll never return to the days before satellites hovered over the globe and the Internet wove us together. We need to go forward, guided by a plan that reflects a new set of American priorities. The plan will marry education and employment. In the old, pre-revolutionary model, we went to school for a dozen or more years and then we went to work. After this revolution we'll need to keep learning to keep working. Education and re-education will be the dominant strategy by which we land and hold our jobs.

Unfortunately, the current workforce development system is not up to the task. It is not effectively equipping our workers with the relevant skills. Without any action, technology and other advances will outpace the ability of American workers and businesses to update skills needed to compete.

We must improve the Nation's job-training system under the Workforce Investment Act to better prepare American workers for the good jobs of today and tomorrow. Only a systematic reform of our Nation's job-training system will enable American workers and businesses to compete and succeed in the global economy.

There is good news. We have a bill that does this. It is a bipartisan bill that reauthorizes and improves the Nation's job-training system. It will help retrain workers to fill the jobs needed in this country now and in the future. It will link workforce development with economic development, recognizing that job training and job creation go hand in hand. It will partner the public workforce system with private sector employers—including small businesses—and with training providers to better prepare workers for high-wage, high-growth jobs.

The good news is that we have bipartisan legislation that does all of this—legislation that passed out of the Health, Education, Labor, and Pensions Committee unanimously, legislation that passed on the floor of this Senate last November unanimously. That does not happen with controversial bills. Where is the bill now?

Here is the bad news. Here is the roadblock. The Democrats will not let us send this important job-training bill to conference. They are stopping progress by refusing to appoint a conference committee, which is a committee made up of both Republicans and Democrats who would meet with Republicans and Democrats from the House to work out the differences between the House and the Senate versions of the bill—a very common procedure in past years, obviously not in this year.

This is an important jobs bill, a bill that will help American workers and



businesses, and it is being held hostage to election year politics. If we really care about keeping good jobs in this country, we need to send that job-training legislation to conference and then to the President to become law.

I owe my constituents more. I think we all do. We owe the American people an open legislative process, a process they expect and deserve from us. This is not just an academic question of Senate rules and procedures. A bill that would help put Americans back to work or find better jobs now lies in legislative limbo. Whether a company decides to open a plant in Cheyenne or China depends upon a qualified local workforce. A skilled workforce can make the difference between success and failure in the new, global economy. It will make the difference for our workers, for our companies, and for our future.

There is an American dream. It is to have a family, a nice home, and a good job to support that home and family.

Prior to my coming to the Senate, my wife and I owned some shoe stores. As a small-business owner, I saw firsthand the impact of job training in achieving that dream. We had an employee, a Vietnam veteran, who went to work through a workforce training course and ended up managing and then buying two stores from us. He is an example of what you can do with effective job training if you teach workers to dream at the same time.

We have to give workers and businesses the tools to turn those dreams into reality. Job training under the Workforce Investment Act can turn the dream into reality for millions of American workers. By blocking legislation that improves job training, my colleagues on the other side of the aisle are blocking the way to new and better jobs for American workers. They are blocking the pathway to prosperity for American families and American companies.

The job training bill known as the Workforce Investment Act is a central part of a combination of Federal education and training programs that provides lifelong learning for the workforce of today and tomorrow. In this technology-driven global economy, everyone is a student who must adapt to changing workforce needs by continuing to pursue their education. In turn, Congress must ensure that education and job training are connected to the needs of business, including small business, now and in the future.

I urge my colleagues on the other side of the aisle to allow the appointment of conferees to the job training legislation known as the Workforce Investment Act. The cost of this obstruction is the loss of important legislative efforts that will benefit the American people as it harms the integrity of the legislative process itself. I hope our bipartisan efforts on this bill can continue. I hope regular order is restored to the appointment of conferees so we can craft the final version of legisla-

tion. If we wanted to keep good jobs in this country, the Democrats would agree to send this important bill to conference.

And a conference isn't the last opportunity to obstruct or to filibuster. After the conference, if the Democrats don't like the results they participated in—and that is a key part to this, in conference both sides participate, as I mentioned before—then they can filibuster. This is embarrassing because we passed it unanimously last November. We asked for more job training last November. It is almost November again. And in fact, if a conference committee were appointed, there isn't time for that, it would be a bipartisan effort. It would be continuing work on the job force because there isn't anything a conference committee now could do that could affect this election. They have already held out long enough to affect this election and to restrict jobs in the economy.

I am pushing for a conference committee that could meet, that could resolve the small differences there are between the House and Senate bills. We have already talked about what those are and what the changes would probably be. I resolved about six of the issues that were brought up before, and we are down to some very minor ones. They need to be fixed by a conference committee.

There is no reason a conference committee should not have been appointed last year—not this year, but last year. This should have been worked out and people should already be in training for these jobs—900,000 of them a year.

I ask unanimous consent that the Senate now proceed to the House message to accompany H.R. 1261, the job training bill, also known as the workforce investment legislation, which is at the desk; provided that the Senate insist upon its amendment, agree to the request for conference on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 5 to 4.

Mr. REID. Reserving the right to object, this bill has already passed. We are waiting for the House to get together on an amendment to send back to us. As I indicated, we have passed numerous bills by using this procedure. My dear friend, the Senator from Wyoming, for whom I have the greatest respect, is crying these big crocodile tears. We have passed numerous bills by doing the very same thing, sending a bill over to the House. This can be done without a conference.

I repeat for the third time, I have the greatest respect for the integrity of the Senator from Wyoming. I am sure if we shook hands on a deal he would go to whatever bounds necessary to fulfill that agreement. But I have to say that on the most important bill, the highway bill, another Senator and I shook hands, a Republican with me, indicating that if this bill is going to go to conference, if there was something in it

he didn't like, then I wouldn't sign my name to the conference and vice versa. That was done in a personal meeting between myself and the other Senator. Then it was put in writing by the two leaders confirming the agreement we had reached.

Suddenly, we are told all bets are off. That deal is no good. So the conference is going on with none of us attending. There are meetings going on, but we are not part of the conference.

This is what has happened around here. That is the embarrassment. The conference process I have been involved in for 22 years has been turned on its head. Conferences are called in name only. You don't know what conference is being held, where it is being held, because you are not told. And not only that, what happens to many of these bills is other items are inserted that have nothing to do with the issue about which the conference is taking place.

I know the sincerity of the Senator from Wyoming. We know the importance of this legislation. We want it to pass also. But it has passed. We want it to be signed into law. The best way to accomplish that is to do what we have done on so many different bills that have been enacted into law without using the conference to negotiate the differences between the House and the Senate; that is, to work it out between the two bodies. We have done it many times. We can do it on this.

I object.

The PRESIDING OFFICER (Mr. TAL-  
ENT). Objection is heard.

The Senator from Wyoming.

Mr. ENZI. I am deeply disappointed. I am not surprised that the other side objects to sending this important jobs training bill to conference. I am a little disappointed in the comments I just heard which try to give some credibility to my not being trusted. I don't remember any handshake I have made on any bill that hasn't turned out to be that way. I was not a part of that transaction.

I am on the Health, Education, Labor, and Pensions Committee.

Mr. REID. Will my friend yield for a comment?

Mr. ENZI. Yes.

Mr. REID. I want the record to be spread: I accomplished directly the opposite of what I wanted. I would never, ever question at any time the veracity, the honesty, the handshake of the Senator from Wyoming. Out of courtesy, because the other Senator was not on the floor, I did not want to mention his name. But it had no reference to you. We had a situation where Senator DASCHLE and I agreed to a conference on a handshake and, in my opinion, the handshake meant nothing.

It had no bearing whatsoever on the Senator from Wyoming. I want the Senator from Wyoming to know—everybody in Wyoming—I have never known a more ethical person in Government than the Senator from Wyoming.

Mr. ENZI. I thank the Senator from Nevada for his comments. I assure people that the Health, Education, Labor,



and Pensions Committee is one of the more controversial committees of the Senate. If I didn't have some credibility of following through on the things I have talked about in the process, that would not have gotten out of committee unanimously, had that not had the same kind of confidence on what I would do if a conference committee were appointed. And we talked about what kind of differences there are. The House had already passed their bill. If they didn't have some confidence in me that what I had said would happen would happen, it would not have gotten through the Senate floor unanimously. That doesn't happen often with Health, Education, Labor, and Pension bills.

This has been a very important bill for the workforce of America, and we had great agreement and cooperative work on it, recognizing what would probably be done in conference committee. Now, we could probably send this over four or five times to the House—which there is not time to do—and resolve some of the differences in each of those. Had I known this was going to happen, I would have started that process much earlier so we would have had time to send an important bill like this back and forth.

The way this has always been done with the Health, Education, Labor, and Pensions Committee bill—that is the committee I have been on ever since I got here—is that we held conferences. Yes, some of them had a lot of animosity, but we worked them out and got bills finished. When you have difficult issues, the best thing is for people to sit down with each other. I have always invited the other side to any conference committee I have been on, and we have listened to both sides. What we have usually come up with, instead of one side or the other, was a third way. That is what ought to be done on this bill.

We ought to be reaching an agreement so we can get 900,000 people a year trained to fill the skills gap we were talking about before. We are not just going to have a lack of jobs, we are going to have more jobs than we can fill—provided we have people trained to fill them. If we don't train the people, those jobs are going overseas and we will never see them again. It has been critical for this year, the year that is just about over. We cannot afford to do this again next year and wait a year or 2 years to reach an agreement to get people trained for jobs. That is what is happening.

If we have to go until the first of the year, all these bills start all over again. Everybody's ideas come back in again, we redraft and start again, and we get to conference—maybe. But there is no assurance of that. We are at the point where we can have a conference committee. If we have a conference committee, then there can be agreement or disagreement. If there is disagreement, there is an opportunity to filibuster at that point. Senators

who cannot filibuster a bill through the rest of the session, as short as it is going to be now, probably ought to be worried about their senatorial capability.

Our workers and our companies deserve more than election year political obstruction. They deserve the tools needed to keep American workers and businesses the best in the world. They deserve to see us act in a bipartisan manner and send this bill to conference.

I yield the floor.

The PRESIDING OFFICER. Does the Senator yield the remaining time on the Republican side?

Mr. ENZI. Yes.

#### CONCLUSION OF MORNING BUSINESS

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

#### RECESS

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

Thereupon, the Senate, at 12:53 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from New Mexico.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, I ask unanimous consent that we proceed as in morning business for the following two items: That Senator DORGAN be permitted to proceed after the Senator from New Mexico for 5 minutes to speak as in morning business, and the Senator from New Mexico be recognized for 7 minutes to speak as in morning business, and that those are the only two speakers to be permitted as in morning business at this point, and that is for debate only.

Mr. DORGAN. Mr. President, I also seek the same 7 minutes.

Mr. DOMENICI. With the same conditions.

Mr. DORGAN. Yes.

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

Mr. DOMENICI. So we have 7 minutes each, speeches only as in morning business, and that is all we have agreed to at this point.

The PRESIDING OFFICER. The Senator is correct.

The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2818 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, beyond the statement of my friend from New Mexico and Senator DORGAN, is there any other time that has been allocated?

The PRESIDING OFFICER. No, there is not.

Mr. REID. I ask unanimous consent that I be allowed to speak for 3 minutes to respond to my friend from New Mexico. Also, Senator NELSON is in the Chamber, and if there is a Republican who wants to speak—we are as in morning business, are we not?

Mr. DOMENICI. We are, but I cannot do that because we carved this out without our leadership. The Senator on his side is indicating he did not want us to do that, but he agreed to our two. We will soon agree with him, but at this point I cannot. Senator DORGAN is entitled to speak next, and I will inquire about Senator REID's and Senator NELSON's requests very shortly.

The PRESIDING OFFICER. The Senator from North Dakota.

#### UGLINESS OF AMERICAN POLITICS

Mr. DORGAN. Mr. President, first, I am proud to be in the Senate. I have always been proud to be a part of our political system. It is a remarkable privilege to participate in this system of ours. I have run for Statewide election 11 times, since I was in my midtwenties. I must say there are times when I see and hear things in American politics that fill me with disgust.

Two years ago, we had a colleague, Max Cleland, who sat in that desk near the door. Max Cleland was charged in his campaign with lack of commitment to our country's national security. They ran an ad against Max Cleland that had an image of Osama bin Laden and Saddam Hussein. This is a man who left three limbs on the battlefield. He sat in this Chamber missing two legs and an arm. Back home on television, he was accused of not standing up for this country's national security. It stretches my threshold of forgiveness to excuse those who do that to someone like Max Cleland, who went to Vietnam, came back, and wrote a book entitled "Strong at the Broken Places." He ran for the Senate to become a U.S. Senator, only to be attacked that he was not somehow standing up for the national security interests of this country. Shame on them.

This Sunday, I saw that ugliness again raise its head. It is the worst of American politics, in my judgment. This is a newspaper called the Rapid City Journal. I have it because this comes from a neighboring State of

mine. On Sunday, Republican challenger John Thune accused Democratic Senator TOM DASCHLE of encouraging America's enemies and damaging U.S. troop morale with a headline, "Emboldening the Enemy?"

For those who engage in this kind of politics, attacking the Democratic leader in the Senate as emboldening the enemy, encouraging America's enemies, and damaging U.S. troop morale, the Rapid City Journal says, all I can say is, shame, shame. Is there decency left in American politics? There was not in the attack on Max Cleland, a man who nearly died on the battlefield, and there is not in this unforgivable attack on the Democratic leader in the Senate.

Does anyone really believe that which occurs here, that the actions of the Democratic leader embolden the enemy, encourage America's enemies, and damage U.S. troop morale? It is so disgusting to see the tactic of questioning someone's commitment to their country, questioning someone's patriotism, or when someone says a critical word, suggesting somehow that they are giving aid and comfort to America's enemies. That is not what ought to be the best in this democracy. It is the worst in American politics. The shrill, ugly, corrosive, relentless attacks in this political system ought to stop. There is so much to be done. Obviously, I support my colleague, Senator DASCHLE.

There is reason to have an aggressive debate in our State to the south about a range of issues. But there is no reason, no excuse for the challenger in that race to be suggesting the Democratic leader here in the Senate, my colleague and friend Senator DASCHLE, somehow is encouraging America's enemies and damaging U.S. troop morale. That is not below the belt, that is below the radar screen of American politics. My hope is that the American people, my hope would have been that the citizens of Georgia, and my hope certainly is that the citizens of the United States see it for what it is. It is an outrage, and this country should not stand for it. This country is about, in my judgment, aggressive, open debate. There is an old saying: When everyone is thinking the same thing, no one is thinking very much.

But we have people around today who believe if you raise any questions at all, you are somehow unpatriotic. What a load of nonsense.

I came into American politics and into this political system proud of politics and the way we make decisions. John F. Kennedy used to say that every mother kind of hopes her child might grow up to become President as long as they are not active in politics.

He was kidding, of course. Politics is an honorable venture in this country. It is the way we have made decisions for over 200 years. There is nowhere else like this place on this globe. We spin around the Sun with 6 billion of us and somehow through divine provi-

dence we landed right here right now. What a wonderful event for us. It is our job to be caretakers of a political system, a democracy that is the most successful in the world. There is plenty of reason for us to have aggressive debates. Aggressive debate is wonderful. It is invigorating and refreshing to our democracy. But this is not aggressive debate. This is the worst of American politics. I hope it stops.

Mr. JOHNSON. Mr. President, may I direct a question to my colleague?

Mr. DORGAN. I would be happy to respond or yield the floor.

Mr. JOHNSON. I want to express my agreement with the observations expressed by my friend and colleague from North Dakota about the tenor of some of the recent attacks directed toward my colleague from South Dakota, Senator DASCHLE. This is beyond anything we have witnessed in America politics in more than a generation, and perhaps ever, to have an attack in a political campaign essentially accusing a leader of the Senate of conduct bordering on treason.

I think Senator DASCHLE put it well, that based on good values in the way we tend to see things, the observations of this gentleman ought to lead to a trip to the woodshed for the despicable nature of the observations. I believe it would be hard to find anyone in the Senate—I am sure my colleague from North Dakota would agree with me, Senator DASCHLE being the only veteran in that particular race, someone who served in the Vietnam era—would Senator DORGAN agree with me that there is virtually no one in the Senate of either party who has been more committed to living up to our obligations to our veterans, to the safety, equipment, and resources of our men and women in uniform? I ask this question of my colleague from North Dakota, as the father of a young man, my oldest son who served in combat in both Afghanistan and most recently in Iraq, a member of the 101st Airborne, my son, who is a very big supporter, a very vocal supporter of Senator DASCHLE and the importance for the sake of our military and our national security of our State of reelecting him to this important position. But can you think of anyone who has done more, who has provided more leadership, has been more vocal in support of our troops and our military and our Nation's defense than Senator DASCHLE?

Mr. DORGAN. Senator DASCHLE is an Air Force veteran. He is a patriot. He is someone who has a strong record on national defense and national security issues. He doesn't need me to come to the floor to defend him. I come to the floor only because I am disgusted at this sort of nonsense. This represents the worst of American politics. If you want to have a debate about energy, taxes, foreign policy, name it, have that debate. But don't accuse your opponent of somehow not standing up for the interests of this country. Don't accuse your opponent of giving aid and

comfort to the enemy. That is beneath, in my judgment, thoughtful politics. That is the kind of thoughtless and low blow in politics that is uncalled for. The only reason I came to the floor is I am disgusted by this.

I am part of this political system and I have always in my campaign tried to wage a positive campaign. When challenged, I am aggressive, no question about that. But I hope no one is accusing me of the low road because I never take the low road. I believe this is about a positive future of jobs and hope and opportunity for the American people. There is so much to talk about and so much to do. In my judgment, it betrays rather than serves the public interest in this country to be somehow questioning the patriotism or questioning the commitment of a Member of this body, especially the leader of our caucus, questioning the commitment of the leader to the ideals and goals of this country and saying instead that somehow what the leader of our caucus has done is to give aid and comfort to the enemy or to embolden the enemy, as the headline states. That is not what we should expect from our political system or the candidates who are in that political system.

Mr. NELSON of Florida. Mr. President, will the Senator yield for a question?

Mr. DORGAN. I would be happy to yield.

Mr. NELSON of Florida. I thank the Senator for yielding.

The Senator has accurately described a political season where meanness is the order of the day. He has pointed out this element in the race in South Dakota. I have seen it in my State of Florida recently, interestingly, in the Republican primary, meanness where the truth doesn't matter, where you can be opponents, but you don't have to be enemies, and it is there nevertheless. It is time for the people of this country to say that is enough. We are killing our own democratic institutions with the smut and dirt and untruths, and it is time to stop.

Mr. REID. Will the Senator yield?

I know the Senator from North Dakota has the floor. I would like to ask a question of the Senator from Florida. To make the Senator's point clear, however, I ask, is it not true that the Senate race to which the Senator is referring was a race between two Republicans, one backed by the President and the other running on his own, former Congressman McCollum? And the viciousness—I have read editorials from the State of Florida which dealt with Martinez's campaign against this good man, Congressman McCollum, and the same applies to South Dakota. The same crew that is trying to demean Senator DASCHLE demeaned Congressman McCollum. Is that a fair statement?

Mr. NELSON of Florida. I say to the Senator that sadly Mr. McCollum, former Congressman, who ended up second in the Republican primary, a fellow I have known since high school and

who has some very high principles, because he announced that he was in favor of the hate crimes bill, was labeled, as reported in the St. Petersburg Times, as "the new darling of the homosexual extremists" as a means of trying to cut him down in a Republican primary.

This has absolutely gotten out of control and I am afraid we are going to see more of the same as we come into the general election. It is exasperating. It is not the American way. We have seen this time after time. My goodness, what do we have to expect in the Presidential race in the next 6 weeks?

That is my response to the Senator.

Mr. REID. Mr. President, will the Chair state what the matter before the Senate is at this stage?

The PRESIDING OFFICER. The Senate is in morning business for debate only.

Mr. REID. And the time is not divided between now and 3 o'clock?

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

Mr. REID. Following that expiration of time, how is the time allocated?

The PRESIDING OFFICER. There is no order in place.

The Senator from Nevada.

#### VOTING IN AMERICA

Mr. REID. Mr. President, I want to comment briefly on the statement of my dear friend from New Mexico about voting and all that he thinks is wrong with our system. I would be happy to look at his legislation. But it seems to me around here what we should be dealing with is giving people the opportunity to vote more easily rather than making it more difficult.

I think it speaks volumes that when you look at the States that have same-day registration, the turnout is much bigger. We have one State where there is no registration, and the vote there, of course, is even higher. In those instances where you have same-day registration and you have no registration, with all the modern computerization, all the ways of checking, there has not been a single case of fraud reported, to my knowledge. So I think what we should try to do is make it easier for people to vote, not harder. I heard my friend, if I understood his statement, say that there are some people out registering lots and lots of people. Well, good. Good. We need more people like that.

I am very disappointed in the State of Nevada. I have tried for years to get the system changed. But, in Nevada, we cut off registration a month before the primary election, and then we cut it off a month before the general election. Just when people are interested in voting, we cut them off. And the county clerk says: Oh, it's so hard for us to get all the records in order. That is silliness. With all the modern technology we have, it is easy.

The reason it is hard is people like to know who they have who voted for

them last time or voted against them. They do not want to make a big impression on getting new people into the system. It is easier to deal with what you have, and it is wrong.

We started off after the Civil War with rules to keep people from voting. We need to get out of that mindset.

We need to make it easier for people to vote, and one way to do that is to have either same-day registration or even no registration. There are plenty of ways of checking to see if people are trying to vote fraudulently.

In the State of Oregon, people vote by mail. They do not have polling places in Oregon, and it works out just fine. The State of Washington also does a lot of their balloting by mail. It works out fine. Those two States decided they wanted to do what they could to increase voter participation, not cut back on it. We need to do more of that rather than all these laws that are going to throw people in jail if they register wrong people. I think there are so many different ways of checking to make sure you have an honest election that you do not need to have all these punitive measures that are proposed.

#### APOLOGY TO THE PEOPLE OF SOUTH DAKOTA

Mr. REID. Mr. President, I know my friend from Florida wants to speak. I certainly want to give him that ability. But I just want to say this: The Senator from North Dakota is absolutely right. Senator DASCHLE is a veteran who has served in the U.S. military. He is a person who has dedicated much of his legislative life to helping people who have served in the military.

There are a lot of people who can take responsibility for dealing with Agent Orange, but Senator DASCHLE, who is a Vietnam-era veteran, knows about Agent Orange, and he has worked tirelessly to get things done in that regard.

I have worked with him on concurrent receipts. He has been a big advocate of concurrent receipts. He is a person who has almost single-handedly taken care of TRICARE, to make sure that National Guardsmen and reservists are treated more fairly with medical care.

To think that in any way this good man has somehow emboldened the enemy—and that is in the way of a fundraising letter—is not very good. I know the man running against Senator DASCHLE. I like him. I am just terribly disappointed that he would allow people to use him the way they have. That Senator DASCHLE has emboldened the enemy is unfair. It is outrageous. And I think that Congressman John Thune should apologize to the people of South Dakota for suggesting that TOM DASCHLE has emboldened the enemy. I assume he is referring to these nameless, faceless, evil people who are committing this war on terror, who are executing this war on terror.

Senator DASCHLE has somehow emboldened the enemy, these name-

less, faceless people who are killing innocent women and children, and others? I think not. And I say John Thune, whom I have the highest respect for, should return the dignity to his person and disavow this statement.

The PRESIDING OFFICER. The Senator from Florida.

Mr. REID. Mr. President, will the Senator withhold?

Mr. NELSON of Florida. Mr. President, I will yield to the Senator from Nevada.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period for morning business for the purpose of statements only until 3:45 p.m.—that is the next hour—with the time equally divided between the two leaders or their designees?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I also say, Mr. President, if there is some concern because we used the last 15 minutes, if the Republicans want to come and get a little extra time because of that, we would be happy to take care of that.

The PRESIDING OFFICER. The Senator from Florida.

#### THREE MAJOR HURRICANES IN FLORIDA

Mr. NELSON of Florida. Mr. President, my family has been in Florida for 175 years, and I do not remember in all of the history books where major hurricanes have happened back to back. It has happened with lesser hurricanes, but I think the record book was shattered when three large, major hurricanes in a row have battered our State over the course of a 6-week period: first Charley, then Frances, and now Ivan.

As I flew in a National Guard helicopter last Friday with the Governor over the Barrier Islands, I saw there were no sand dunes anymore in the Barrier Islands of Pensacola Beach. The sugary white sand of the beaches and those sand dunes had been washed across the entire Barrier Island from the Gulf of Mexico to Pensacola Bay. And from the air, it appeared as if the entire Barrier Island was washed in white. There were structures standing, but the structures were usually the newer ones built according to the new building codes. And as we are hearing in the reports out of Alabama, those structures were even uprooted on their foundations and have to be destroyed. If it was an old structure, that old structure is history.

For not only the howling winds of 138 miles an hour, but the tidal surge of the water that came with the hurricane winds—water that then washed up into the very large Pensacola Bay, even taking out major sections of the Interstate 10 bridge—we did some quick mathematical calculations and figured that a wall of water at least 40 feet

high would have had to hit that bridge, positioned some 12 miles from the gulf up Pensacola Bay. It would take 40 feet of water to have enough pressure to raise the sections of Interstate 10's bridge off of the pilings and deposit them in the bottom of Pensacola Bay. And in many other sections of the bridge, the same effort moved it 3 and 4 feet on top of the pilings.

Even at the end of Pensacola Bay, some 20 to 25 miles from the Gulf of Mexico, the wave of water was so fast and so furious that as to the four-lane highway, US 90, that rings the shore of Pensacola Bay on that far northern end, two lanes of those four lanes were washed out at the bridgeheads and thus, is complicating the rescue efforts, the rebuilding efforts because of traffic not being able to get to Pensacola, with only two-way traffic open on one of those lanes that had been spared.

We are finding out once again, because we keep coming with emergency appropriations for Federal disaster relief, that hurricanes can be quite costly, as we have known over the years. It was my freshman year in the Congress in 1979 that I voted for my first disaster relief, which was in response to the eruption of Mount St. Helens in the State of Washington covering so much of that State with soot and ash. But that is in part what a Federal Government is for—to respond in times of emergency and disaster.

So, too, we have seen the President request \$2 billion for the first hurricane and disaster relief—that won't take care of all of the relief for Charley—and another \$3.1 billion was requested for Charley and Frances. That certainly won't take care of those two storms because there is another billion dollars of agricultural relief that is going to be needed that the President did not request. But we haven't even gotten to the third hurricane, Hurricane Ivan. As we speak, those calculations are being made. This Congress is going to have to respond.

Last week I had a colloquy with the chairman of the Appropriations Committee, the distinguished Senator from Alaska. He assured me and gave me his commitment that he would proceed on the agricultural relief with regard to Hurricane Frances and Hurricane Charley in the conference on the Homeland Security Appropriations bill. Huge parts of the \$65 billion-a-year agricultural industry in Florida have been destroyed—citrus, both orange and grapefruit; the nursery industry, including the fern industry, of which Florida is one of the major growers of ferns; vegetables; fruits; cattle; dairy cows that dried up because they could not be milked since there was no electricity to operate the automatic milking machines. You can go on down the list of all the agricultural commodities that were hit as well as the equipment those farmers owned.

But now with Ivan in the panhandle, we are going to have additional agri-

cultural losses, particularly from cotton and peanuts. I dare say that will be shared with the State of Alabama, perhaps with Georgia, as Ivan raced across the southern United States after it had made landfall at the Florida-Alabama border.

It is interesting that in our State, having been put in hurricane mode for 6 weeks, people began to recover from one blow and then here comes another blow. In fact, the people in the center part of the State on the first two storms were hit twice where the two storms passed and happened to cross—Charley from southwest to northeast, Frances from southeast to northwest. And they crossed their paths in the center of the State.

Then along comes Ivan. At one point we even thought the State of Florida might be spared. It looked as if it was going to be bearing down on, Lord forbid, New Orleans, which is lower than sea level, or Mississippi where so many of the establishments there, including the gaming industry, are on floating boats. You can imagine the wreckage that would have caused.

But it shifted to the east, bearing down on the Florida-Alabama line, with the winds coming off in a counterclockwise rotation off of the Gulf of Mexico, in its most fierce fury, on to the shores of that southern Alabama coastline and northwestern Florida coastline.

That is a part of our State that has a great deal of the national assets of our U.S. military. Ninety percent of the buildings at the Pensacola Naval Air Station had severe damage. At Whiting Field, where Navy pilots and Marine pilots and Coast Guard pilots and Air Force pilots, both fixed wing and helicopter, are trained, all of the hangars sustained major roof damage with the roofs being ripped off of those large structures. So, as we have responded after the other two hurricanes with special appropriations to fix up those military facilities so they can get back in the business of training our young men and women so they can defend this country, so, too, we are now going to have to address those particular needs even as far east on that Florida panhandle as Eglin Air Force Base which had its major tower completely taken out of commission.

The Senate will hear me, over and over, advocating and trying to articulate the needs for a State that is in crisis, a State that has been hit not once but three times by the hard and savage blows of Mother Nature.

Floridians are a hardy lot. Floridians have endured hurricanes before. Floridians will do it this time. In the meantime, let's have the Government do one of the things that it does best—respond to the needs of its people when the needs of the people are so desperate.

I suggest the absence of a quorum and ask unanimous consent that time charged under the quorum call be divided equally.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent to address the Senate for not more than 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona is recognized.

#### THE SITUATION IN RUSSIA: BACK IN THE USSR

Mr. MCCAIN. Mr. President, I have spoken often about Vladimir Putin's "creeping coup" against the forces of democracy and market capitalism in Russia. It is with regret that I note today that the coup is no longer creeping—it is running full steam ahead. President Putin is crassly using the horrific Beslan attack to consolidate autocratic rule. The people of Russia, no safer because of the Kremlin's power grab, will ultimately pay the price. Their freedom and the future of Russia as a democratic state are at stake.

The terrorist attack on a school in Beslan illustrated once again the ugly face of extremism that will stop at nothing—not even the deliberate killing of schoolchildren—in pursuit of its political aims. Like millions of others around the world, this terrible event moved my heart, and I offer my sympathy to the families who have suffered so grievously throughout the ordeal. As with all deaths in terrorist attacks, nothing anyone does can bring back the lost. It is the duty of political leaders to remember the fallen by taking steps to ensure that such attacks do not again occur.

And yet Mr. Putin chose the immediate aftermath of this attack not to address the root causes of Chechen terrorism, nor to take meaningful steps that would enhance the safety and security of the Russian people. Instead, he used the attack as an excuse—an excuse to consolidate power and further remove the Russian people from democracy.

President Putin has announced that, because Russia faces terrorist threats, significant changes within the government are required. In the broadest sense, he is right. In the midst of the Beslan hostage standoff, government officials repeatedly lied about what was happening inside the school. The military was unable to rescue people and could not coordinate a response. Furthermore, recent accounts indicate that during the near-simultaneous bombing of two Russian passenger aircraft, the suicide bombers bribed their way through checkpoints and onto the planes. These problems stem from the

Kremlin's lack of transparency, the government's lack of accountability, and from widespread corruption and ineptitude. And so a reasonable observer might guess that the Kremlin seeks governmental change that addresses these problems. But a reasonable observer would be wrong.

Instead, Mr. Putin has proposed changes that would concentrate his personal power and nearly extinguish the embers of democracy in his country. His allies have told journalists that the president planned for months to centralize political authority, and merely took advantage of the Beslan seizure to unveil the decision. And, as the Washington Post has pointed out, he has not removed security officials who have failed to prevent repeated terrorist strikes over several years.

The total effect of President Putin's new proposals would be to move Russia a long way down the road to autocratic rule. He would eliminate the popular election of Russia's 89 regional governors, and instead appoint them himself. He would eliminate independent members of parliament, so that Russians could vote only for political parties rather than specific candidates, Political parties—such as like the powerful one headed by Mr. Putin—would determine the slates. In last December's elections, district races accounted for every independent and liberal now serving in the Duma. Under Mr. Putin's plan, these races would be abolished. I speak of all of these ideas as "proposals" because the electoral changes require parliamentary approval. But that should not be difficult—Mr. Putin's party controls more than two-thirds of the seats.

As shocking as these recent moves are, they are simply the latest and most egregious in a long string of anti-democratic actions. In his time in power, Mr. Putin has tried to eliminate independent media by imposing restrictive laws. These have led to the takeover or arbitrary closing of all independent national television channels. The international media watchdog group Reporters Without Borders ranked 166 countries in its annual World Press Freedom report. Russia came in 148th. Last year, five reporters were killed under suspicious circumstances, and many reporters were harassed, imprisoned, or physically beaten.

But the media is not the only sector to fear the wrath of an increasingly authoritarian Kremlin. Mr. Putin has asserted control over Russia's energy industry and used government power—including imprisonment—against executives who oppose him. The world has watched with concern over his single-handed attempt to put Russia's largest privately held oil company out of business. And, having lost their rights to free speech and press and to engage freely in an open market, the people of Russia are now on their way to losing the right to vote.

The Kremlin's imposition of old-style central control will not make the peo-

ple of Russia safer, it will merely curtail their freedoms. But terrorism in Russia does not result from too much freedom. If anything, it stems in part from the Kremlin's reluctance to address the legitimate aspirations of the Chechen people for autonomy or independence. Moving in the opposite direction, increasing central control and decreasing the say of citizens in how their nation is governed, will do nothing but aggravate the problems for which Mr. Putin proposes solutions.

Sadly, many Russians have responded to the Kremlin's new proposals not with outrage but with fearful plaudits. Regional leaders—many of whom may lose their jobs when they are replaced by Kremlin appointees—have nevertheless praised Mr. Putin's power grab. The Tass news agency ran a headline last week entitled "Regional leaders hail Putin's latest moves as a panacea for all Russia's ills." This kind of response is eerily familiar, a reminder of the ridiculous propaganda fed to the Russian people and the world by the Soviet police state. I thought that the Russian people have moved beyond this sordid past, throwing off the shackles of oppression and ushering in a new day of freedom. I will bet that the people of Russia though the same. But obviously Mr. Putin and the Kremlin have other ideas.

As the world's beacon of freedom and democracy, the United States must make clear our fierce opposition to the path that Russia's leadership is currently on. As much as we value Russia's cooperation in other areas of our bilateral relationship, they will have little meaning if Moscow reverts to its old ways. Mr. Putin, the world is watching your next move.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### NO PLAN FOR IRAQ

Mr. BYRD. Mr. President, earlier today at the United Nations the President of the United States painted a pretty picture of the occupation of Iraq. But the President's picture was far from reality. The reality is the situation facing our soldiers, the very limited Iraqi security forces, and, importantly, the Iraqi people.

The reality is that today Iraq is in flames. A horrifying wave of violence has struck yet again, targeting the Iraqi police, Government leaders, innocent civilians, and our very own troops. The death toll in Iraq continues to mount. As of today, more than 1,030 American troops have died in this war, a war that should not have been fought, a war which was wrong in the beginning, wrong today.

More than 700 Iraqi police have perished in the short time since the force has existed. The numbers of civilians killed in President Bush's preemptive war is unknown. They may never be known. But it numbers in the thousands—the widows and the orphans who have been left alone, the tears that have been shed.

Who is responsible for this bloodshed in Iraq? Is it a small group of religious radicals, or the secret agents of Osama bin Laden, or terrorists who might otherwise sneak out onto the streets of New York City? No, no, and no. An ever growing pile of press reports indicates that the insurgency is larger and more broad than the White House will admit.

On Wednesday, September 15, the Wall Street Journal reported that "Iraq's once highly fragmented insurgent groups are increasingly cooperating to attack U.S. and Iraqi government targets, and steadily gaining control of more areas of the country."

That was the Wall Street Journal of Wednesday, September 15.

Meanwhile, the Commander in Chief, President Bush, seems to be in the dark about the worsening situation in Iraq. Faced with the spread of violence in Iraq, the President continues to speak of Iraq as a country of free people. But what liberty, what liberty, is there to be enjoyed when the police are being killed by the scores, the chances of a peaceful election have been thrown out the window, and many Iraqis are too afraid to send their children to school?

One must begin to question whether the President is getting the bad news about what is happening on the streets of Baghdad and Fallujah or if he is simply ignoring it. Surely the Commander in Chief has a responsibility, has the obligation, to change his strategy when it has been proven a failure. Instead, the White House blindly insists that the problems of Iraq will sort themselves out if we simply maintain a resolve to stay the course. Did the American people really want to stay the course that has resulted in the deaths and the injuries of thousands of our troops?

Now the President wants to spend another \$3.4 billion in reconstruction funds to again try to bolster the same Iraqi security forces that have been outgunned and inadequately trained to take on the insurgents in Iraq. This is even more evidence, is it not, even more evidence that the administration had no plan, that the administration has no plan for postwar Iraq, other than to throw more money at the problem and hope for the best.

As the cost of the war continues to spin out of control, we must remember that last fall the Bush administration promised that its request for the biggest foreign aid package in half a century would bring security and stability to Iraq. The White House got enough Members of Congress to vote for \$18.4 billion to buy that pig in a poke, and the President got unprecedented flexibility to spend that reconstruction

money almost as he sees fit. Has that reconstruction money helped to get our troops out of harm's way? Has it helped to bring our men and our women home? No. In fact, our troops are under a greater number of daily attacks now than they were when the President asked for his massive foreign aid program.

As the President wants to spend more and more money in Iraq, our troops are getting sucked ever deeper into the bloody quicksand of the Middle East. Most astonishing yet, the White House has not held anyone in the administration accountable for the mess that has become Iraq. It is business as usual in the White House bubble.

The Pentagon botched plans for post-war Iraq as if there ever were any, and the shame of Abu Ghraib has further turned world opinion against the United States. But instead of holding someone at the Department of Defense accountable for those mistakes, the Vice President said that we have the "best Secretary of Defense the United States has ever had."

The CIA failed to detect Osama bin Laden's plot to attack New York City and Washington, DC, and then it produced faulty intelligence that the White House used to take our Nation to war against Iraq.

The White House misled the American people. It is a war we should never have fought. It was wrong from the beginning; it is wrong today.

Instead of holding someone at the CIA accountable for those mistakes, the President praised the former CIA Director as "a strong leader on the war on terrorism."

The U.S.-run occupation government in Iraq mistakenly disbanded the Iraqi Army, bungled the management of \$18.4 billion in reconstruction funds, and turned a blind eye to the rising flames of anti-Americanism in Iraq.

Instead of demanding accountability for mistakes made by the Coalition Provisional Authority, rumors abound that its former head, Ambassador Paul Bremer, could be up for a promotion to Secretary of State.

How about that? He didn't have time, he said, to come back before the Appropriations Committee of the Senate—I was there and asked him. No. He said he didn't have time. I will not have time when the time comes to vote for him as Secretary of State if such nomination is ever presented to this body.

For all the mistakes that have been made in President Bush's unprovoked war on Iraq under the doctrine of preemption, which is unconstitutional on its face, and therefore it is fundamentally flawed, not a single administration official has been held accountable for the mess that Iraq has become. Not a single administration official has been called to step aside for the mistakes they have made. In fact, the only senior administration official the White House has seen fit to fire is the former Secretary of the Treasury, who

dared to question the fiscal responsibility of more massive tax cuts. If this President cannot hold his advisers accountable for their mistakes, then the people should hold this President accountable for his poor judgment.

The situation in Iraq has been elevated beyond a crisis. The White House plan for holding Iraqi elections in January 2005 is shaky and becoming more so with each new attack on our troops. Instead of demonstrating the leadership to bring more countries in to assist in rebuilding Iraq, the President pays lip service to international help.

The President has only proposed to sink more taxpayer money into the same failed policies that brought us to this point. We are falling deeper and deeper and deeper into debt. The President has failed to act to counter the surge in violence that is costing the lives of our men and women in uniform.

How long can this bumbling by the White House go on? How long must our troops be tied down in Iraq? How long will we struggle without a plan to end the spreading violence? How long will it take for our country to turn away from this dead-end policy created by the dead-brained thinking in this White House?

How long, Mr. President? How long?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CAMPBELL. 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.

#### NATIONAL MUSEUM OF THE AMERICAN INDIAN

Mr. CAMPBELL. Mr. President, before I present the Legislative Branch appropriations bill, let me take a moment of personal privilege to thank my colleagues for allowing me last night's unanimous consent agreement to appear on the floor of the Senate in traditional clothing of a Cheyenne chief.

This is a very special day in the lives of all Native Americans, and a very special day in my life, too. I would hope my fellow Senators would have time to visit our Nation's newest Smithsonian jewel—the National Museum of the American Indian.

I have just come from speaking at the opening and ask unanimous consent that my remarks at that opening be printed in the RECORD.

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

NATIONAL MUSEUM OF THE AMERICAN INDIAN  
SENATOR BEN NIGHTHORSE CAMPBELL SEPTEMBER 21, 2004

Senator Dan Inouye, my friend and colleague, to whom we owe so much, often says that Washington is a city of monuments and yet, there is not one monument to the Na-

tive people of this land. This magnificent structure is that monument and in it we will tell our story.

Indeed it is a monument to the Mimbres, the Anasazi, the Toltecs and Hopewell, the Chacoans, the Mayans and hundreds of other cultures now long gone, who lived in communities called Tikal, Tenochtitlan, Cahokia and a multitude of other enlightened communities while European cities were in their infancy.

They were communities inhabited by farmers and doctors, teachers and craftsmen, housewives and soldiers, priests and astronomers, who with all their collective wisdom could not have known that earth mother would someday be called real estate. They knew not alcohol or drug abuse, Tuberculosis or Cholera, Smallpox or Aids or even the common cold. How much we can learn from them.

It is a monument to the millions of Native people who died of sickness, slavery, starvation and war until they were reduced from an estimated 50 million people in North and Central America to just over 200,000 souls in the United States by 1900. Only 400 years after the old world collided with their world, the Native people of this land became America's first endangered species.

In spite of this sad truth, this beautiful structure is also a monument to the 190 thousand American Indian Veterans who served with honor and courage in our armed forces, defending a nation that was founded on religious freedom, yet practicing their own was often against the law. They faithfully carried out the orders of the Commander in Chief, even though before 1924, they could not legally vote for him because they were not considered citizens.

It is a monument to our elders, who as children, were taken from their loved ones and placed in boarding schools that often had the adage: "kill the Indian to save the child."

All too often they were beaten for speaking their Native language or praying to their Creator. All too many chose suicide as their only alternative, but those who endured though shorn of their hair and stripped of their dignity were never shorn of their spiritualism or stripped of their pride. They are our mothers and fathers.

It is a monument to a people who were here before the birth of a boy king in Egypt called Tutankhamen and before the Greek poet Homer wrote the Iliad and before Caesar watched Roman chariots race in the Circus Maximus and before Christ walked the hills near the Sea of Galilee.

It is a monument to their gifts to humanity. Native Americans are much more than a sum of gifts. They are more than squash and tomatoes, corn and beans and potatoes, pumpkins and peanuts, and all the medicines derived from plants that began as Indian lore and are now used to save lives around the world.

Their supreme gift to the world, in my view, even surpasses the treasures you will see in this beautiful building. It was a unique system of self-governance never before tried in the monarchies of Europe or Asia. It is called Democracy. It was a system copied from the Council Fires of the Iroquois Confederacy by Benjamin Franklin and penned for a new fledgling United States of America. It is still used by this Nation and is copied, in part, by almost every emerging Democracy in the world.

This system was best described by President Abraham Lincoln as a government of the people, by the people and for the people.

And last, we open this monument to all the dreamers who helped make today come true.

As I leave public office in a few short months, I am reminded of a stanza from the



Navaho chant of The Beauty Way. The Navaho people sing:

In the House of Long Life,  
There I wander,  
In the House of Happiness,  
There I Wander,  
Beauty is before me and behind me,  
Beauty is above me and below me,  
Beauty is all around me,  
With it I wander,  
In old age traveling,  
With it I wander,  
On the beautiful trail Am I,  
With it I wander

Thanks to the efforts of all those assembled today and so many more, we celebrate the opening of this house of happiness, this house of long life and walk the trail of beauty.

To all our Native American friends here today I say: the sacred hoop has been restored. The circle is complete. And the Hopi prophecy of the reemergence of the Native People has come true.

It is now my great honor to introduce the man who, in my view, is singularly the most responsible for this magnificent structure.

He is my friend, my colleague, and my mentor.

Among Native Americans—whether they be from Hawaii, the lower 48 or Alaska he is without peer.

His quiet demeanor and gentle way, his leadership and perseverance, his record as a military hero, and his years of service as a United States Senator are well known to all.

Among our Native People he is known as a warrior chief among warriors.

Please help me welcome this great American—Senator Dan Inouye of Hawaii.

#### FAREWELL TO MY SENATE COLLEAGUES

Mr. CAMPBELL. In addition, Mr. President, since I am retiring at the end of this term, after 22 years in public office, let me say in all honesty that, regardless of party, I have never in my life met a more dedicated, caring group of men and women, who are not only my colleagues but also my friends. We may have our disagreements, but in each our own way, we know in our hearts that we are trying our best to do the right thing for our Nation. And I think we probably all agree that the more we adhere to the teachings of the Good Book, as we have been admonished many times, the less we would need a law book.

The people of Colorado have honored me for allowing me to represent them in our Nation's Capital—not long by some standards, of course. But I have to tell you, on each sunlit morning as I drive to work, or each moonlit night, particularly in the wintertime after a fresh snow, and I view the dome of this great building as the first or last thing I do in my workday, I am just thrilled that I was here for a while and it was a part of my life.

And now I have to tell you how much I admire and respect my colleagues. Their friendship and guidance is more than I can ever repay. Each is very special to me, and I certainly will not forget them. Surely, when newly elected freshmen are sworn in 100 years from now, and they come on this floor and open the desks and read the bottoms of

drawers and the names of all the Senators who have historically been sworn in before them, they will see the names of Senator ROBERT BYRD, Senator TED STEVENS, Senator DAN INOUE, Senator TED KENNEDY, and Senator DOMENICI of New Mexico, and they will already know when they read those names they are reading the names of Members who have served in this body for most of their adult lives and both molded the history of this Nation and set a standard of commitment to excellence for all to follow.

Mr. President, I would be remiss if I did not thank the unsung heroes of this body, and those are the hard-working staff people without whose dedication many of us simply would not get much done. I salute them because they are not only our employees, but they are our partners in finding solutions in a world that becomes more complicated with each passing decade.

#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005

Mr. CAMPBELL. Mr. President, having bid my colleagues farewell and good fortune, I now will turn to the appropriations bill. I ask unanimous consent that the Senate now proceed to the consideration of S. 2666, the Legislative Branch appropriations bill, as under the previous order.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2666) making appropriations for the legislative branch for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NOS. 3664, 3665, 3666, AND 3667

The PRESIDING OFFICER. Under the previous order, the four managers' amendments at the desk are agreed to, and no other amendments are in order.

The amendments were agreed to, as follows:

AMENDMENT NO. 3664

(Purpose: To modify the approval requirement relating to the promulgation of certain regulations by the Capitol Police Board)

On page 21, strike lines 13 and 14 and insert "approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives."

AMENDMENT NO. 3665

(Purpose: To provide that certain claims of Senators and Senate officers and employees are received and approved by the Committee on Rules and Administration)

On page 22, lines 23 and 24, strike "With respect to claims within the jurisdiction of the Senate" and insert "With respect to any claim of a Senator or an employee whose pay is disbursed by the Secretary of the Senate".

AMENDMENT NO. 3666

(Purpose: To provide for the expansion of participating eligible foreign states under the Open World Leadership program)

On page 42, between lines 14 and 15, insert the following:

#### ADMINISTRATIVE PROVISION

#### SEC. 1501. EXPANSION OF OPEN WORLD LEADERSHIP COUNTRIES.

Section 313(j) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(j)) is amended—

(1) in paragraph (1), by striking "and" after the semicolon;

(2) in paragraph (2), by striking the period and inserting "and"; and

(3) by adding at the end the following:

"(3) any other country that is designated by the Board, except that the Board shall notify the Committees on Appropriations of the Senate and the House of Representatives of the designation at least 90 days before the designation is to take effect."

AMENDMENT NO. 3667

(Purpose: To provide funding for, and extend the termination date of, the Commission on the Abraham Lincoln Study Abroad Fellowship Program, and for other purposes)

On page 26, line 18, strike "\$74,558,000" and insert "\$74,063,000".

On page 48, between lines 10 and 11, insert the following:

#### SEC. 211. COMMISSION ON THE ABRAHAM LINCOLN STUDY ABROAD FELLOWSHIP PROGRAM.

(a) APPROPRIATION.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, \$495,000, for the Commission on the Abraham Lincoln Study Abroad Fellowship Program established under section 104 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 435).

(b) EXTENSION OF REPORT AND TERMINATION DATES.—Section 104 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 435) is amended—

(1) in subsection (f), by striking "December 1, 2004" and inserting "December 1, 2005"; and

(2) in subsection (g), by striking "December 31, 2004" and inserting "December 31, 2005".

The PRESIDING OFFICER. There will now be 1 hour of debate equally divided.

The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I am pleased to present to the Senate the fiscal year 2005 Legislative Branch appropriations bill. I am grateful for the support of my chairman, Senator STEVENS, and the ranking member of the full committee, Senator BYRD. Thanks, also, to the ranking member of this subcommittee, Senator DICK DURBIN, who has been very supportive of the process in crafting the bill and has been a longtime friend since our House days together in the other body.

Their support of this bill has helped us put together legislation that I am very proud of, that provides adequate funding for the Senate and its critical support agencies, such as the Capitol Police and the Library of Congress.

This is my last year as chairman of the subcommittee, and I am pleased this bill is moving forward.

Mr. President, this bill totals \$2.46 billion in budget authority, just \$8 million—less than one-half of 1 percent—



over the current year budget. Together with the House items that are included in the House-passed legislative branch bill, H.R. 4755, the bill will meet its allocation of \$3.575 billion in budget authority.

Reductions totaling \$332 million have been made to legislative branch agencies in order to meet the allocation. While this is a very tight allocation, all legislative branch agencies would be able to maintain current or near current staffing levels and cost-of-living adjustments, and uncontrollable price-level increases would be accommodated.

The major change from last year's bill is the reduction in funding for some major construction projects, such as the Capitol Visitor Center and the Capitol Powerplant.

For the Senate, funding would total \$725 million, \$12.6 million over the current budget, which is about 2 percent. Reductions to the request level have been made to reflect more accurate estimates of spending, as well as funding certain fiscal year 2005 request items through reprogramming of fiscal year 2004 reprogrammings.

Funding for the Capitol Police would total \$227 million, \$7 million above the current budget. In addition to these funds, the committee directed a reprogramming of prior year funds for a total of \$240 million for the Capitol Police in fiscal year 2005. This budget would enable the Capitol Police to maintain the current level of sworn staffing and hire 50 additional civilian staff for critical administrative functions.

The additional use of Capitol Police overtime since August has been a significant drain on their resources and may require us to find additional funds for the Capitol Police when we meet with the House with conference.

For the Architect of the Capitol, \$308 million is recommended, a reduction of \$32 million below the current budget and \$171 million below the request. The recommendation reflects the need to eliminate lower-priority projects or items which can be deferred. It also enables the Architect to focus efforts on the completion of the Capitol Visitor Center.

The bill does accommodate the \$39 million Library of Congress' storage module project at Ft. Meade, which is desperately needed to meet burgeoning storage needs and is a top priority for the Librarian.

For the Capitol Visitor Center, \$7.6 million is included for start-up/transition to operations costs.

Moving to the Library of Congress, the bill includes a total of \$544 million, \$21 million above the current level and \$17 million below the request. Current staffing levels are provided for, as well as increases for the Veterans History Project, the Culpeper Audio-Visual Conservation Center, which will begin to come on line in 2005, and security equipment and IT system maintenance.

For the Government Printing Office, the subcommittee recommendation is

\$120.7 million, \$30 million below the request. The reduction is attributable primarily to eliminating the \$25 million request for GPO's "transformation efforts." While we support GPO's efforts to restructure itself into a 21st century government information office, GPO has yet to submit a comprehensive plan for these funds.

The recommendation for the Government Accountability Office totals \$470 million, \$12 million above the current level but \$10.5 million below the requested level.

Finally, the Open World Leadership Program would be funded at the current level of \$13.5 million.

Before I yield the floor to my colleague from Illinois, Senator DURBIN, who I have enjoyed the company of for so many years in both the House and the Senate, let me tell you in his presence, he has been an absolute delight to work with. I look forward to coming back as a private citizen many years in the future to renew our friendship.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I begin by not only thanking Senator CAMPBELL for his leadership on the Appropriations Subcommittee on the Legislative Branch over the last 2 years but by congratulating him on today's events commemorating the opening of the National Museum of the American Indian. This is an opening that was long overdue. I know he has played a personal role, with Senator INOUE and many others, in the realization of this dream.

It is my understanding—and he has probably made reference to it—that there is the largest gathering of Native Americans and Indians in the history of Washington, DC, taking place on the Mall at this moment. Many of them were on the planes as we came to Washington. You could tell they were brimming with pride over the recognition they have received, a recognition which is long overdue.

Senator CAMPBELL has been a great leader in so many respects for his State of Colorado and for the Nation. But he has really played an important role in the conversation and dialog of the Senate. He has been a steady and reliable voice speaking for Native Americans. He comes today to the floor of the Senate in tribal dress; I am sure proud of his heritage. When I got up this morning, I thought I would pick a tie that might be noticed. My guess is, in comparison to the chairman of the subcommittee, they won't even know I was here today.

I will say this: We are proud that he has made such a great contribution. I know this museum means so much to him personally.

He is going to be greatly missed as he enters his retirement. I wish him the best of luck. I only hope he will take an occasional break from visiting with his grandchildren and ride his Harley Davidson back to Washington to visit

with us from time to time. He will certainly be a welcome guest when he does.

The fiscal year 2005 Legislative Branch appropriations bill which we are considering today is comprehensive, thorough, and fair, especially in light of the tight funding constraints we are operating under. Our allocation does not allow us to begin a variety of construction projects throughout the complex, but all safety-related projects are fully funded, as they should be.

I thank Chairman CAMPBELL for including me as a partner in each step of the process. The highlights of the bill have already been alluded to by the chairman. There is no point in revisiting them. I thank him especially for two or three. One particular project, the Library of Congress Adventures of the American Mind, means a great deal to my State of Illinois and many other States and to many teachers. What we are doing is opening up the vast resources of the Library of Congress to be used as teaching tools across America in classrooms far and wide, in small towns as well as big cities. Without exception, every teacher I have spoken to is literally amazed at what is there in terms of primary documents easily accessible to teach children about the greatness of this country and to educate them to be better informed and more competitive in the 21st century.

Before I wrap up today, I thank Carrie Apostolou of the majority staff as well as Terry Sauvain, Drew Willison, and Nancy Olkewicz of the minority staff, and Pat Souders from my personal staff for all their hard work on this bill.

I yield the floor.

OPEN WORLD LEADERSHIP CENTER

Mr. STEVENS. Mr. President, the Open World Program has grown from a pilot program in 1999 to a robust program, not only in Russia but in countries in both the former Soviet Union and the Baltics. I am grateful to Dr. James Billington's continued leadership of Open World, as well as to my Senate colleagues who serve with me on the board of the center and who take the time to meet with Open World delegations in the United States.

Open World has brought over 8,000 participants to 1,254 communities in all 50 States. I am pleased that my home State of Alaska has welcomed many delegations and strengthened ties between Alaskans and Russian in the Far East. I want to note that the GAO reviewed Open World from top to bottom this year and noted both the broad participation it has achieved in Russia. The GAO team traveled to Russia and interviewed a number of participants to determine its impact. GAO reported that "Most delegates viewed their program experience very favorably and . . . have taken concrete steps to adapt what they learned from their U.S. visits to the Russian environment."

Last year we asked Open World to expand its operations to new counties, including strategic allies for the U.S. defense interests, such as Uzbekistan. I

would like to ask my colleagues, Senator CAMPBELL and Senator DURBIN, if they would like to comment on Open World's expansion.

Mr. CAMPBELL. As co-chairman of the Helsinki Commission, I have had a long-standing interest in the progress of the countries of the former Soviet Union toward democracy and rule of law. Open World's staff worked very closely with the Helsinki Commission staff to bring Belarusian leaders from the parliament and judiciary to the United States last February. It would be helpful for the Open World staff to continue to work closely with the Helsinki Commission staff given their unique expertise in the countries of the former Soviet Union. The delegates had very useful programs both in Washington, DC and in Florida, meeting with our congressional colleagues, State Department officials, Federal judges and prosecutors. As a group the delegation left with a new-found focus on building relations with the United States and a genuine understanding of both transparency in our government and separation of powers. Open World demonstrated that its successful model could be applied outside Russia. I am also grateful for the genuine involvement of American communities and families in building the ties that are at the heart of the Open World Program. I would like to see Open World continue its important work in Russia but enable us to utilize this flexible and cost-effective program as a valuable tool for American diplomacy.

Mr. DURBIN. I would like to join my colleagues, Senator STEVENS and Senator CAMPBELL, in recognizing the important contribution that Open World has made on many fronts. Open World is unique in its place within the legislative branch. When I supported the expansion to the Baltics, on the eve of new nations such as Lithuania joining NATO and the European Union, I hoped that the program would strengthen ties between countries such as Lithuania and Ukraine that enjoy enormous diaspora populations in America and remain the focus of efforts by U.S. citizens to build democratic institutions in these countries. Open World has brought three groups from Lithuania—mayors, representatives of the media, NGO leaders—each of whom has traveled to 10 States including Illinois. I know firsthand from the United States Ambassador to Lithuania, Steve Mull, invaluable it has been to have the opportunity to nominate young Lithuanian leaders for Open World and to see them return home with concrete ideas to develop Lithuania's local governmental structures, particularly in its rural areas. I thank Senator STEVENS and Senator CAMPBELL for their leadership in expanding Open World. I have been pleased to support it and commend it to my colleagues as an invaluable partner to those of us in the Congress interested in foreign policy issues across the board.

Mr. STEVENS. I thank my colleagues for their interest and support.

In addition to the groundbreaking work that you have described in Belarus and the Baltics, I would like to point out that the Russian Federation has many areas with predominantly Muslim populations—Chechnya, Tatarstan, Baskortostan, Ingushetia—areas where Stalin deported more than a million people from the North Caucasus to Siberia and Central Asia. I suggested to my fellow board members on Open World that we focus, in particular, on these regions for 2004. We also launched a pilot in Uzbekistan at the same time. In a matter of months, Open World had found U.S. hosts and selected young leaders from these key regions; 500 leaders traveled from the Russian Muslim republics and 100 from Uzbekistan. The strength of Open World and its future lies with its ability to take a simple, cost-effective model rooted in our American communities, values, and hospitality and adapt to new countries of the greatest strategic interest to the United States.

In 2003 Congress authorized expansion of Open World to 14 new countries, a number of these—Armenia, Georgia, Belarus, Moldova, Kazakhstan—warrant their own program. I hope that we can work with our House colleagues to maintain sufficient funding for Open World to continue its success, while not diminishing terribly the important work it must continue to do in Russia—as important now as when I first helped establish the program in 1999.

With my colleagues support, I would like to ask Dr. Billington and the staff of Open World to explore the possibility of expansion of the program to Afghanistan and Pakistan. These countries are crucial to U.S. interests. Recognizing that these nations lay outside the present scope of Open World, I am offering legislative language that would allow the Board of Trustees and staff to explore the feasibility of expanding the program and reporting back to the Senate and House appropriations Committees within 90 days. Dr. Billington is the Librarian of Congress, in addition to his role as chairman of the Open World board. The Library's expertise in CRS and through its overseas offices will be of great assistance to Open World in responding to this request.

I want to thank Dr. Billington for his continued leadership. I also thank my colleagues, Senator CAMPBELL and Senator DURBIN, for their interest in Open World and appreciation for the important work it has accomplished.

Mr. NICKLES. Mr. President, the pending Legislative Branch appropriations bill for fiscal year 2005, S. 2666, as reported by the Senate Committee on Appropriations provides \$3.688 billion in budget authority and \$3.808 billion in outlays in fiscal year 2005. Of these totals, \$113 million is for mandatory programs in fiscal year 2005.

The bill provides total discretionary budget authority in fiscal year 2005 of \$3.575 billion. This amount is \$403 million below the President's request, it

matches the 302(b) allocations adopted by the Senate Appropriations Committee, and is \$50 million more than fiscal year 2004-enacted levels excluding fiscal year 2004 supplemental appropriations.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

S. 2666, 2005 LEGISLATIVE BRANCH APPROPRIATIONS—  
SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal Year 2005, \$ millions)

	General purpose	Manda- tory	Total
Senate-reported bill:			
Budget authority .....	3,575	113	3,688
Outlays .....	3,696	112	3,808
Senate Committee allocation:			
Budget authority .....	3,575	113	3,688
Outlays .....	3,696	112	3,808
2004 Enacted:			
Budget authority .....	3,525	108	3,633
Outlays .....	3,520	107	3,627
President's request:			
Budget authority .....	3,978	113	4,091
Outlays .....	3,887	112	3,999
House-passed bill:			
Budget authority .....	3,537	113	3,650
Outlays .....	3,690	112	3,802
SENATE-REPORTED BILL COMPARED TO			
Senate 302(b) allocation:			
Budget authority .....	0	0	0
Outlays .....	0	0	0
2004 Enacted:			
Budget authority .....	50	5	55
Outlays .....	176	5	181
President's request:			
Budget authority .....	-403	0	-403
Outlays .....	-191	0	-191
House-passed bill:			
Budget authority .....	38	0	38
Outlays .....	6	0	6

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. CAMPBELL. Mr. President, I thank my friend from Illinois.

It is my understanding that the managers' amendments were accepted on a voice vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. CAMPBELL. It will probably be a little later in the day when we ask for a vote.

In lieu of that, 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, it is my understanding the majority leader is going to come shortly and ask unanimous consent that we have a vote at 4:30 p.m. Members should be alerted that if they are doing something now, they have to come back and vote at 4:30.

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. GREGG. 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. GREGG. Mr. President, I ask unanimous consent that the vote on passage of H.R. 4755, the legislative branch appropriations bill, occur at 4:30 p.m.

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

Mr. GREGG. 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. 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.

Under the previous order, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill is returned to the Senate calendar. Under the previous order, the Appropriations Committee is discharged from further consideration of H.R. 4755, the House-passed legislative branch appropriations bill, and the Senate will proceed to its immediate consideration.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes.

The PRESIDING OFFICER. The text of the bill relating solely to the House shall remain. All other text is stricken and the text of the Senate bill, as amended, is inserted in lieu thereof.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, the question is, Shall the bill, H.R. 4755, as amended, pass?

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr.

EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—94

Alexander	Dole	Lugar
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Enzi	Miller
Bennett	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham (FL)	Nickles
Breaux	Graham (SC)	Pryor
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Byrd	Harkin	Rockefeller
Campbell	Hatch	Santorum
Cantwell	Hollings	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inhofe	Sessions
Chambliss	Inouye	Shelby
Clinton	Jeffords	Smith
Cochran	Johnson	Snowe
Coleman	Kennedy	Specter
Collins	Kohl	Stabenow
Cornyn	Kyl	Stevens
Corzine	Landrieu	Talent
Craig	Lautenberg	Thomas
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
Dayton	Lieberman	Wyden
DeWine	Lincoln	
Dodd	Lott	

NAYS—2

Conrad Ensign

NOT VOTING—4

Akaka Kerry  
Edwards Sununu

The bill (H.R. 4755), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. HARKIN. 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.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

#### MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. REID. Mr. President, a number of people wish to speak, Republicans and Democrats. I wonder if we can have a little order around here. I know Senator DURBIN wants to speak for up to half an hour, and Senator HARKIN wishes to speak. On our side, I wonder if we can get people queued in, and if Republicans want to come after we speak, that is fine.

How long does the Senator from Iowa need?

Mr. HARKIN. I need 5 minutes.

Mr. REID. On our side, I ask unanimous consent that Senator HARKIN be

recognized for 5 minutes, that Senator DURBIN be recognized for 30 minutes, and that the majority may have someone between Senators HARKIN and DURBIN, and we will balance out the time thereafter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

#### NOMINATION OF BISHOP GREGORY PALMER

Mr. HARKIN. Mr. President, I strongly support the nomination of Bishop Gregory Palmer to the Board of Directors of the United States Institute of Peace. It has now been over a year since Bishop Palmer was officially nominated on September 16, 2003. On that date, the Senate officially transmitted our paperwork to the White House.

The reason I recommended this distinguished spiritual leader for this important position at the U.S. Institute of Peace is that I strongly believe that Bishop Palmer would work to promote a just peace in the world. I don't think that there is anyone in this Chamber who would disagree that we need more advocates for peace in this time of international crisis.

I know Bishop Palmer well. He is a native of Philadelphia, PA. He graduated from The George Washington University and received a master's in divinity from Duke University. His father is a minister in Philadelphia.

Bishop Palmer came to Des Moines, IA, on September 1, 2000, and he has had a profound influence in our State ever since.

Bishop Palmer has had a distinguished career of service. He has taught at the pastor's school in Burundi, and serves on the Senegalese Task Force of the Global Ministries. He also served as President of the Interdenominational Ministerial Alliance.

In March of this year, Bishop Palmer received the 10th Annual Bishop Maurice J. Dingman Peace Award. This award recognized Bishop Palmer's commitment to peace and social justice. The award was presented by the Iowa Catholic Peace Ministry.

One of the ways Bishop Palmer has turned Scripture into deeds is by starting the Matthew 25 Ministry throughout Iowa. This ministry heeds the call of Matthew 25:31-46 to feed the hungry, clothe the naked, and care for the sick. Bishop Palmer has provided services to our Iowa communities most in need—from English classes for immigrants to soup kitchens for the hungry. These laudable acts, in my view, are the works of a man truly committed to fostering peace and social justice.

I could go on and on at great length about Bishop Palmer's good works, but I know that my floor time is limited. It is, however, very clear that Bishop Palmer would make an outstanding addition to the board of directors of the

U.S. Institute of Peace; therefore, I was deeply disappointed and surprised that Bishop Palmer's nomination to the U.S. Institute of Peace has been stalled at the White House for over a year now, and his name was not included in the nominations to be considered by the Committee on Health, Education, Labor, and Pensions.

I am hopeful that the White House will reconsider and send his nomination to the HELP Committee before Wednesday, tomorrow, when we are due to act upon other nominations. We have one nomination that has come down to be renominated to the U.S. Institute of Peace. I am certain this person will have no problem being renominated. But I was very surprised, as I said, and disappointed that Bishop Palmer's name, which has been at the White House for 1 year now—1 year his nomination has been sitting there, and I know of no opposition to Bishop Palmer. As I said, he is head of the Methodist Church for the entire State of Iowa. He is known nationally and internationally. I cannot think of a more qualified person to be on the board of the U.S. Institute of Peace.

I am quite upset with this, and I hope that the White House will reconsider this nomination. It would not take but just about half an hour to transmit his name here, and I wish they would do that before we meet tomorrow so we can report his name out and get Bishop Palmer on the board of directors as soon as possible.

Mr. President, I yield the floor.

Mr. REID. 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. 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.

#### ELECTION CONTEST

Mr. DURBIN. Mr. President, in the world of politics, every election seems to test the bottom when it comes to mudslinging. I am afraid this year's election contest is no exception, and it is plummeting hitherto uncharted depths.

Some of the things that have been said on both sides I am sure on reflection are going to be the source of some embarrassment, and some of the actions taken by both campaigns will be regretted in the future. But there is one particular element in this debate in the Presidential campaign that I find particularly bothersome. It relates to statements that have been made by Vice President CHENEY, by the Speaker of the House, DENNIS HASTERT, and by Members of the Senate, and others, relative to the patriotism of candidates for office and relative to questions as to whether the American people, by casting their vote one way or the other

on November 2, are somehow inviting terrorism to strike America.

Vice President CHENEY, at a political rally in Des Moines, IA, Tuesday, September 7, said:

It's absolutely essential that 8 weeks from today, on November 2, we make the right choice, because if we make the wrong choice, then the danger is that we'll get hit again and we'll be hit in a way that will be devastating from the standpoint of the United States. And we'll fall back into the pre-9/11 mindset, if you will, that in fact these terrorist attacks are just criminal acts and that we're not really at war.

This quote by the Vice President received a lot of attention. The clear suggestion by the Vice President is that if the American people should not vote for President Bush, they are inviting a terrorist attack. That is an outrageous statement. I think it is one that, frankly, Vice President CHENEY on reflection might not have made. Would it be appropriate to argue that since the terrorists attacked the United States while he was serving as Vice President, they saw weakness in the Bush-Cheney administration? I would not make that preposterous charge. I do not believe anyone can. And yet here we have the Vice President suggesting that if you do not vote to reelect President Bush, you are inviting a terrorist attack on the United States.

Just last Saturday in DeKalb, IL, the Speaker of the House, DENNIS HASTERT, was quoted as saying:

I don't have data or intelligence to tell me one thing or another, (but) I would think they would be more apt to go (for) somebody who would file a lawsuit with the World Court or something rather than respond with troops.

Speaker HASTERT said that of JOHN KERRY.

Asked by reporters whether he believed al-Qaida could operate better with KERRY in the White House, HASTERT replied:

That's my opinion, yes.

I think this is a new low in American politics. For us to suggest that either major political party would field a candidate who would in any way knowingly or unknowingly compromise the security and safety of the United States I believe is a charge that must be backed up with solid evidence if it is ever going to be leveled. In this case, Speaker HASTERT said, "I don't have data or intelligence to tell me one thing or another. . . ."

The reason I believe this is important is that when we reach the point in a campaign when the Vice President suggests that a vote for JOHN KERRY invites a terrorist attack on our country, and the Speaker of the House, after acknowledging he has no information to support his statement, joins Mr. CHENEY with the chorus of "vote for Bush or die," not to be outdone—and let me make it clear, I put "vote for Bush or die" in quotes. That is my statement. I am not attributing that to either of those individuals. So we have a situation where this has become a standard charge in the campaign at the highest levels.

There was a time in American politics when people were circumspect about even raising the issue of the fact that the former Governor of Illinois, Adlai Stevenson, had been divorced. In the 1950s, it was not really considered to be appropriate to raise that in the national debate, although there were certainly a lot of rumors and murmuring in the background.

Now we see the debate on the Presidential level reaching what I think are new depths, where at the highest levels questions are being raised as to whether JOHN KERRY would, in fact, defend the United States against a terrorist attack. I think that is a troubling development.

These are not the only statements that have been made. This morning on the Fox News Channel one of my colleagues, whom I work with on a regular basis, Senator HATCH of Utah, raised the same issue. Others have as well.

We saw in the debate last Saturday where John Thune, a former Congressman of South Dakota, was debating Senator TOM DASCHLE, the Democratic minority leader. In the course of their debate, he argued that the fact TOM DASCHLE had been critical of the Bush administration's policies in Iraq "emboldened the enemy." John Thune said that TOM DASCHLE's words emboldened the enemy.

What we have reached is the point where any criticism of our foreign policy leads to the charge that we are not being patriotic, leads to the charge that we would not stand up to defend America, and leads to the charge that in some respects the terrorists would be emboldened by those comments and our troops would be demoralized.

So what does that tell us? If Members of the Senate on either side of the aisle stand up and are critical of our policy in Iraq, are they to be targeted then as somehow selling out America, somehow guilty of traitorous comments? That is what we can draw from these comments made by Republican leaders as well as Republican candidates.

Yet Senator HARKIN made a statement earlier in the day which noted the obvious. Even Republican Senators are being critical today of our policy in Iraq. This last Sunday, Senator CHUCK HAGEL, a Republican of Nebraska, said, in reference to Iraq: The fact is, we are in trouble. We are in deep trouble in Iraq.

Do we embolden the enemy by being critical of our policy in Iraq? I do not think so. I think it is part of the normal political discourse which one expects in a democracy.

Similarly, Senator RICHARD LUGAR, the distinguished chairman of the Foreign Relations Committee, a friend of mine and colleague from the State of Indiana, criticized what he called the incompetence in the administration that has resulted in the failed Iraq reconstruction effort.

Does he embolden the enemy, demoralize the troops, by pointing out these shortcomings in American foreign policy? He is a Republican Senator. I have

not heard Vice President CHENEY or any others criticize Senators such as LUGAR or HAGEL for making these comments.

Senator John McCain said recently: We are not winning. Senator LINDSEY GRAHAM said that we need to be "more honest about how difficult it will be" in Iraq.

The list goes on, and the list tells me that Senators of good conscience on both sides of the aisle feel an obligation to disagree with the President on foreign policy when they have an honest disagreement and to suggest that changes in foreign policy or changes in military policy are important for the security of America.

I do not know if Vice President CHENEY or the Speaker of the House would criticize the fact I have been openly critical of some of the military decisions that have been made since the invasion of Iraq. When a man comes into my office and tells me his son is a military policeman in Iraq and because he cannot be issued body armor he and his wife were raising money at home to buy the body armor and send it to their son, I came to the floor to criticize that. Of the billions of dollars we have sent in preparation for this war, one would think it obvious that body armor would be one of the first things issued to our soldiers. In this case, it was not.

I was critical of the administration, critical of our policies, critical of foreign policy and military policy. Would Vice President CHENEY argue that I am giving comfort to the enemy by suggesting that? I certainly hope not.

When we found that our Humvees were sitting targets for homemade bombs and rocket-propelled grenades, that we had been remiss in failing to equip our Humvees in Iraq with armor plating on the sides to protect our soldiers, many of us came to the floor and made that point, wrote letters to the administration, forced a change in policy, which resulted in more and more of these Humvees being reconstructed, refit with armor to protect the troops.

Does the fact we were critical of the administration raise some question as to whether we are demoralizing the troops? Exactly the opposite occurred. When the Humvees arrived with the armor, our troops' morale went up. They had a chance to survive the attack. They did not have it before.

So Members of Congress—from Senator KERRY, through Republican and Democratic Senators alike—have a moral obligation to raise those issues where they disagree with this administration on foreign policy or military policy, whether they are on the Republican side of the aisle or the Democratic side of the aisle. This debate which we have seen disintegrate and descend to the levels that I have referred to needs to come to an end.

This is not the first time those in the highest levels of political office in Washington have questioned the patriotism of others in political office, have

questioned whether they have the national security of America paramount in their mind. The same thing occurred in the 1950s. A Republican Senator from Wisconsin named Joe McCarthy went about throwing charges at people right and left that they were not loyal to America; that they were, in fact, communist. He destroyed a lot of people. He destroyed a lot of careers in the process.

There came a time in the course of the Army hearings with Senator McCarthy where finally one voice spoke out. That voice turned to Senator McCarthy and said: Have you no shame?

The same question needs to be asked of those who are throwing around so loosely these charges that either JOHN KERRY, JOHN EDWARDS, or TOM DASCHLE do not have the best interests of the United States at heart in everything that they do.

I disagree many times with my colleagues on the floor when it comes to foreign policy, military policy, and many other issues. Yet I have never and will never ever question their patriotism. I believe that is beyond the pale of ordinary political discourse. It has now become common conversation in this Presidential campaign.

On November 2, the voters will have the opportunity to ask the candidates who use these low tactics, Have you no shame?

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

#### GUIDING PRINCIPLES FOR INTELLIGENCE REFORM

Mr. STEVENS. Mr. President, today our Appropriations Committee held a hearing and listened to distinguished individuals as to their views on the recommendations for intelligence reform. At that time, we were provided a statement which is entitled "Guiding Principles for Intelligence Reform" dated September 21, 2004. It is signed by the following persons: former Senator David Boren, former Senator Bill Bradley, former Secretary of Defense Frank Carlucci, former Secretary of Defense William Cohen, former CIA Director Robert Gates, former Deputy Secretary of Defense John Hamre, former Senator and Presidential candidate Gary Hart, former Secretary of State Henry Kissinger, former Senator Sam Nunn, former Senator Warren Rudman, and former Secretary of State George Shultz.

I do call it to the attention of all Senators in connection with this current review of the 9/11 Commission recommendations on intelligence reform.

I ask unanimous consent that the "Guiding Principles for Intelligence Reform" be printed in the RECORD.

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

#### GUIDING PRINCIPLES FOR INTELLIGENCE REFORM

America's security depends on strengthening our intelligence collection and anal-

ysis. Debate is under way on intelligence reform, and harnessing the energy of an election season is a healthy way to assure the issue receives the attention it deserves. Racing to implement reforms on an election timetable is precisely the wrong thing to do. Intelligence reform is too complex and too important to undertake at a campaign's breakneck speed. Based on our experience in both the executive and legislative branches of the U.S. government and on both sides of the political aisle, these are the basic principles we believe should guide any reform effort:

#### IDENTIFY THE PROBLEMS

Rushing in with solutions before we understand all the problems is a recipe for failure. Only after a full appreciation of the Intelligence Community's problems—and its strengths—can sensible decisions be made about reform, including whether to restructure. Moreover, reform will have to be comprehensive to succeed. Addressing this or that shortcoming—however grave—in isolation will fail to produce the improvement in intelligence capabilities our nation's security demands.

#### STRENGTHEN THE INTELLIGENCE COMMUNITY'S LEADER

The individual responsible for leading the Intelligence Community must be empowered with authority commensurate with his or her responsibility. Specifically and crucially, future leaders must have the ability to align personnel and resources with national intelligence priorities. Whether we maintain the Intelligence Community's current structure or create a new one, we must ensure that the Intelligence Community's leader has the tools to do his or her job.

#### SEPARATE INTELLIGENCE FROM POLICY

A fundamental principle for Intelligence Community reform must be that the intelligence community remains independent from policymakers. Nothing could be more important to a healthy national security structure. When intelligence and policy are too closely tied, the demands of policymakers can distort intelligence and intelligence analysts can hijack the policy development process. It is crucial to ensuring this separation that the Intelligence Community leader have no policy role. Otherwise, an Intelligence Community leader's voice could overwhelm those of Cabinet secretaries and the National Security Advisor and deprive the President of the benefit of robust, informed policy debate. A single individual with the last word on intelligence and a say in policy as well could be a dangerously powerful actor in the national security arena—using intelligence to advocate for particular policy positions, budget requests, or weapons systems that others lacked the knowledge to challenge.

For this reason, the leader of the Intelligence Community should not work inside the White House; he or she should be at arm's length from the policy process, not at the President's right hand. Nor should the leader become an instrument of diplomacy or policy formulation; his or her role should be to support others in these functions. Similarly, Intelligence Community reform must not rob Cabinet secretaries of their own ability to assess intelligence by centralizing the bulk of assessment resources; the secretaries must be able to turn to their own analysts for independent perspective and be able to task the Intelligence Community leader for input to the policymaking process. Finally, to protect against an unhealthy mixing of functions, we believe the person who is chosen to lead the Intelligence Community should be broadly acceptable to both parties and chosen for his or her substantive or management expertise.

## IMPROVE THE QUALITY OF ANALYSIS

Intellectual conformity and failure of analytical imagination have been the major culprits in most intelligence breakdowns, from our failure to predict accurately India and Pakistan's nuclear tests, to our misjudgment of Saddam Hussein's weapons of mass destruction programs. Improving the quality of the analysis on which policy makers rely must therefore be a top reform priority. The best analysis emerges from a competitive environment where different perspectives are welcomed and alternative hypotheses are encouraged. Intelligence reform must institutionalize these traits in the analytical process. To preserve their independence, analysts must be insulated from policy and political pressure. Finally, we must not only concern ourselves with the appropriate structure of intelligence analysis, we must also address the critical shortage of human expertise in critical fields. Funding for programs to address this deficiency is dangerously low and the trust funds for the National Security Education Program will be fully depleted within the next two years unless Congress acts.

## ENSURE MORE EFFECTIVE INFORMATION-SHARING

Intelligence Community players have overwhelming cultural and bureaucratic incentives not to share their information with each other or with those outside the community. These include a natural impulse to hoard information to protect turf, and a deeply ingrained passion for secrecy. Domestic agencies and foreign agencies, in particular, traditionally have resisted sharing information with each other. Yet our nation has learned with painful clarity that failure to share, coordinate, and connect available intelligence can have devastating consequences. The next time an FBI special agent suspects an Arizona flight trainee is an al Qaeda terrorist, the Intelligence Community needs to know. Reform must fundamentally alter agency incentives and culture to require sharing. This must include addressing the excessive emphasis on secrecy and classification that inhibits constructive, timely information flows, while continuing to respect the need to protect genuine sources and methods.

## PROTECT CIVIL LIBERTIES

Collection of intelligence is inherently intrusive; spying on fellow citizens carries with it great potential for abuse. Even as we merge the domestic and foreign intelligence we collect, we should not merge responsibility for collecting it. Intelligence reform might well create a single strategic coordinator of domestic and overseas collection on cross border threats like terrorism, but exclusive responsibility for authorizing and overseeing the act of domestic intelligence collection should remain with the Attorney General. This is the only way to protect the rights of the American people upon whose support a strong intelligence community depends.

## PRESERVE SITUATIONAL AWARENESS FOR TACTICAL MILITARY OPERATIONS

As we have seen from the skies over Bosnia to the sands and cities of Afghanistan and Iraq, tactical intelligence and situational awareness are indispensable to our military's unparalleled operational success. Any successful intelligence reform must respect the military's need to maintain a robust, organic tactical intelligence capability and to have rapid access to national intelligence assets and information.

## ASSURE CLARITY OF AUTHORITY FOR CLANDESTINE OPERATIONS

The war on terrorism has blurred agency roles for some critical national security ac-

tivities. The Department of Defense now performs more clandestine and intelligence operations than in the past; meanwhile, the CIA's Directorate of Operations engages more in traditional military functions, such as the successful campaign in Afghanistan. Authority for these newer roles is murky, and there are sometimes disparities in the type or level of approval needed for an operation, depending on who performs it. The new challenges we face mandate a wide range of tools and creative approaches to intelligence. But establishing absolute clarity of chain of command, oversight, and accountability for clandestine operations is essential.

## REFORM CONGRESSIONAL OVERSIGHT TOO

Intelligence reform will not succeed unless Congressional oversight of the Intelligence Community becomes more effective as well. Rather than relying on review of agency submissions and after-the-fact investigation of failures or abuses, Congress should reach out periodically to test and assure the Community's health. Whether meaningful legislative oversight demands a major overhaul of committee structure or merely a change of philosophy, Congressional reform is as vital as changes affecting the Executive Branch.

Elections are a perfect time for debate, but a terrible time for decision-making. When it comes to intelligence reform, Americans should not settle for adjustments that are driven by the calendar instead of common sense; they deserve a thoughtful, comprehensive approach to these critical issues. If, as seems likely, Congress considers it essential to act now on certain structural reforms, we believe it has an obligation to return to this issue early next year in the 109th Congress to address these issues more comprehensively. We hope the principles we've suggested will help shape serious discussion of reform.

The PRESIDING OFFICER. The Senator from Idaho.

## CAUTION IN POST-9/11 COMMISSION ERA

Mr. CRAIG. Mr. President, I was at that hearing this morning when Henry Kissinger made his presentation, and I was extremely pleased that it was a bipartisan and balanced presentation. Instead of fingers being pointed or accusations being made about what we ought or ought not do in a post-9/11 Commission era, what Henry Kissinger said was, caution. In a political year that is ripe with political innuendo, be careful what you create because you might not like it after the fact, that recreating the intelligence community of this country and of this government is tremendously important, but it needs to be done well so we don't get the wrong results.

I think all of us recognize the dysfunctional character of our intelligence community and the results that it yielded, and why there was a 9/11, and why a 9/11 Commission was developed, and why we are working now in the Governmental Affairs Committee to try to craft and change the character of that intelligence community.

It was a very positive hearing this morning. I was pleased by the bipartisan approach, which will disallow any candidate out there from opportunistically pointing a finger and saying you are or you are not doing

something in the right manner. It was well presented this morning.

MEASURE READ THE FIRST TIME—S. 2823

Mr. CRAIG. Mr. President, I understand that S. 2823 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2823) to provide for adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

Mr. CRAIG. Mr. President, I ask for its second reading, and in order to place the bill on the calendar under provisions of rule XIV, I object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

Mr. CRAIG. Mr. President, I thank you for that process.

What I have just done will result in placing the Agricultural Job Opportunity, Benefits, and Security Act—the AgJOBS bill, or S. 2823—on the calendar for future consideration by this Senate. There is a great deal of work that has not been done by the Senate this year. The issue of immigration reform, especially that affecting well over 1.5 million undocumented agricultural workers of our Nation, is, in my opinion, a critical issue.

In a post-9/11 era, what we have said about our country, and what our citizens are saying, is pretty straightforward. They are saying control the borders, identify those who are within, and arrest those who are undocumented or illegal or who might perpetrate harm to this Nation.

I agree with those very fundamental principles that retain the character and the integrity of our country. But what we are also finding in a post-9/11 era is that our negligence as a country, our responsibility as legislators in failing to produce a workable immigration policy, has resulted in between 8 million and 12 million undocumented foreign nationals in our country. Many of them—frankly, most of them—are hard-working human beings who have contributed a great deal to our country and to our country's economy.

In the area of the agricultural economy, that is especially true. In the agriculture of Idaho and most of our States in the Nation, undocumented workers play a very significant role in the normal processing and functioning of agriculture itself, the production of the food and fiber that make it to the shelves of the supermarkets and the tables of the families across our country. We now attempt policy that tightens our borders, but we also need to recognize our immigration problems will not be solved by simply wanting to penalize. Instead, we need to manage; controlling and shaping a better system;



understanding the importance of that workforce to the Nation on the one side, and on the other side, recognizing the sheer humanitarian character and responsibility we have as Senators and as those who form public policy.

Last year, on the United States-Mexican border, over 300 people died trying to make it across the border to identify with a job in this country. Many of them died of heat or lack of water in the deserts of Arizona and New Mexico near Mexico. That is a tragedy in its own right and a crisis in the making. But it is a tragedy that is a result of bad law that doesn't function well, and a law that will not function well until we adjust it and change it. That is why in working with all the interested groups over the last 5 years, TED KENNEDY, CHRIS CANNON and HOWARD BERMAN in the House, and I have produced the legislation that is at the desk. It has been vetted well. It has the support of a tremendous community of interest, from growers and employers on one side to agricultural workers on the other side. It has the support of a historic, bipartisan, and diverse national coalition. It is a bill that should be considered by this Congress. It is a bill that will pass the Senate because we now have over 60 cosponsors. It is a bill whose time has come, but it is a bill that possibly will not find time this year simply because of the shortness left in this session and the work that is necessary to be done?

I have worked with the leader and will continue to work with the leader to see if we can't find that window of opportunity to vote our expression on this most important issue, this year, sooner rather than later.

I have chosen this rule XIV process to make the legislation current at the desk to start the process to see if we might find that window of time in which to debate and vote on what I think is one of America's most important issues: immigration reform, controlling our borders, identifying undocumented people in this country, doing background checks, and the vetting of their character which is necessary to determine whether they are here and constructive, or whether they are here with a destructive thought in mind, a destructive thought against U.S. citizens, as we found on 9/11 a few years ago. Bringing the undocumented out of the shadows not only helps these workers who add to the economy and pay taxes, but it also would help our homeland security.

Many of us are determined to deal with this issue now. If we don't deal with this now, there is no question in my mind that I and others will make it a No. 1 issues in the next session of Congress. This is an issue that legislators cannot turn their backs on. It is an issue that cries out for resolution.

I believe S. 2823 is a proper solution to a major segment of that very large problem in this country.

I thank you and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### INTELLIGENCE SYSTEM

Mr. LAUTENBERG. Mr. President, I found today to be a rather startling day by virtue of the news we have heard about what is happening with our troops in Iraq, what is happening to those who are in battle, those we are asking to carry on the battle for, let me call it, the liberation of Iraq, the opportunity to turn that society into a democratic society. This was brought to me by virtue of a couple of things that happened.

First, I participated with colleagues in the Governmental Affairs Committee markup of intelligence reform. It is a task that I and so many others on the committee, and throughout this body, take very seriously. We are upset about what happened on 9/11. We just commemorated the third anniversary of that horrific day. I went to a community in New Jersey, Middletown, NJ, and spoke to a group that included survivor families of 9/11. Thirty-seven of their residents lost their lives on that terrible day.

I walked around the memorial walk they established and saw pictures placed on granite stones of those who perished, with messages of love and longing for fathers who died, for brothers, for sisters, and for mothers who were killed that day, murdered. It digs further into the searing memory of that fateful day.

It reminds all of us about what our responsibilities are to try and get this country back on an even keel and to stop mourning the loss of young people because though we struggled hard to turn out our bill on intelligence reform this day, we did not complete it. But there is a fair degree of optimism that we will come to at least an initial description of what the intelligence-gathering mechanism might be.

Then this afternoon I heard President Bush say something that I found almost incomprehensible, extremely disturbing about our Nation's intelligence-gathering system. A few hours after the President spoke at the United Nations about why we went it alone in Iraq, President Bush was asked by a reporter about a CIA report that he received last month on the deteriorating situation—as a matter of fact, I believe it was in July—the deteriorating situation in Iraq which could even lead to a full-blown civil war.

The President dismissed the CIA report and said it was “just guessing.” Just guessing. Imagine, we are over 1,000 deaths, thousands of injuries, many of them very serious—if one

wants to see how serious, go down to Walter Reed Hospital and interview some of those who survived these attacks and see how they feel about what is taking place.

We are just guessing? The CIA is just guessing? If the President thinks our Nation's intelligence system is just guessing, then we are in trouble. The President's comments are a frightening sign that he is not living in reality and that he continues to ignore the truth about what is happening on the ground in Iraq.

I am going to quote what the President said this day, September 21:

The CIA laid out a—several scenarios that said, life could be lousy, life could be OK, life could be better, and they were just guessing as to what the conditions might be like.

Talk about casual dismissal of the trauma that family after family across this country faces. Over 33 former residents of New Jersey paid with their lives, all young. When I talk to those families or go to a funeral, there is such distress and grief.

I talked briefly before about these granite markers in a memorial built in Middletown, NJ. All of these granite memorials had legends or quotes from the family like “Daddy, I miss you”—quotes that were so tender. One said, “If love could have kept you alive, we would be having a good time right now.” They are the saddest things.

The reality is that these are not gravestones. These are granite markers done very gracefully throughout a walkway in this park with, again, a marble plate on top, an inscription from a family member, and a picture of the individual. Several men were pictured in tuxedos. I think the idea was to say that life was so full and so happy for these families.

When we look now at where we are, we see the President suggesting that maybe the CIA is just guessing as to what conditions might be like. President Bush ignored some intelligence reports he did not like before he went to war. Now when intelligence contradicts him, he dismisses the content of the report as mere guessing.

When the Central Intelligence Agency sends the President a report that lays out three scenarios for Iraq with the most rosy, the status quo, an average of 87 attacks a day against our troops, 1,035 dead to date, the President dismisses it as guesses? What an insult to the people in our country and to those families. I would like the President to stand in front of some of those survivors and say: Your son died. It is terrible. We made mistakes. The CIA was just guessing about what might be.

Look at where we are. Look at what is taking place. Today's Washington Post has a story about the comments of a general who defends the pace of the Iraqi training. Army LTG Walter Sharp, speaking to reporters at the Pentagon, also disputed the accuracy of some of the Democratic Presidential nominee's new criticism of the pace of training for Iraqi police.



I had the opportunity to visit in March with several other Senators—Senator LEVIN of Michigan; Senator ROCKEFELLER of West Virginia; Senator REED, who trained very thoroughly in the military at West Point; and Senator BINGAMAN—and the situation looked grim at that time. It was said that we are going to turn over governing to an interim council of Iraqis, and then we are going to have a vote in January of next year that would determine the more or less permanent structure at least for the next term of leadership in the country. Here we have these boldfaced statements that say he believes that based on what we will be able to do, there will be local control for the majority of the country by the end of December. Control is not just a matter of having Iraqi security forces in place, but also an assessment of the ability of local political leaders to govern and to oversee economic reconstruction efforts.

When I was in Iraq with four of my colleagues and we went to a police academy where they were training those who would soon be police officers, if memory serves me correctly, the pace was that they would train about 80 in 6 weeks. Since they needed over 50,000 more, I did a quick calculation and came up with the conclusion that it would be many years before they filled the full complement of those necessary. Then we find out that a lot of these people are entirely unqualified to take these tests: no driver's license, no capacity to read or write, no understanding of what the assignment is, a lot of washouts. Then they say by January the Iraqis are going to be able to take over? It is not fair. It is not fair to say these things because everybody knows it is not the truth by any stretch of the imagination.

The President has to stop ignoring the crisis our troops face in Iraq. He has to begin to speak in the real world, with real words, where things are not always good, where serious problems need to be addressed.

I find it so offensive that someone who served his country, received three Purple Hearts, a Silver Star, and a Bronze Star—now, I wore a uniform and I know what those medals mean. They mean a lot. I did not earn any, but I tried to do the job I knew best. I served in World War II. I was 18 when I enlisted. I know those medals are only given when the qualifications are attested to by medical officers who look at a wound and say, yes, this wound deserved the recognition of a Purple Heart, three of them. And now we want to talk about, well, how deep was the wound, was there any blood. When someone loses their hearing in battle, maybe there is no blood, but there is no hearing. It is still a wound, and a very serious one.

After going to a funeral of a young man from New Jersey at Arlington Cemetery, I went to Walter Reed afterward to meet with some of those who

had survived battle. There was one young man there who was sightless. He was there with his wife, and he said to me: Senator, I will not be able to see my 28 month old daughter again, but I just want to hold her. He said: I am going to try my best to get along in life. It was painful to witness, but imagine how painful it is to be the victim.

It is hypocritical when we compare the service of JOHN KERRY, though he was critical after the war, but he had the decency and the courage and the honor to serve his country when he was called on to do it. He did not question why, he did not question live or die, he said: I will do my duty to the best of my ability. The President's record does not indicate the same interest in serving. As a matter of fact, I saw a reproduction of an application for service in the military that said: I do not choose to serve in combat. He checked it off. That is all right. Everybody has a right to make those choices. But then to blacken someone else's character who did it and try to humiliate that individual so that he looks like he is unpatriotic, that he wants Saddam Hussein in there? It is atrocious. It is not honest. It is scandalous, and that is what is happening.

I offer a plea. Let President Bush and Vice President CHENEY talk about what they want to do for the country, talk about when we can see an end. They talk about JOHN KERRY not having a plan for getting us out of Iraq. Has anybody heard President Bush's plan for getting out of Iraq? No one. Smoke and mirrors, the ugliest type. One need only turn on the television, pick up the newspaper, listen to the radio and know things are falling apart in Iraq. We have heard it confirmed by distinguished colleagues from that side of the aisle, people who fought bravely, were in battle, know what it is like to see comrades die or escape with their lives, wounded in the process. They don't think things are going well. Look at the statement of Senator HAGEL of a couple of days ago, or Senator MCCAIN's statement. We see they see a gloomy picture ahead.

Today saw the second day of beheading of two Americans, savagery the likes of which we should never witness—cutting off a man's head.

I know one thing. This vulgar language has to stop. Shame on the President of the United States for belittling the record of someone who served so well and who did what he had to do, as his country requested it. If he had objections, he had objections, but it was after he served. It was after he was wounded three times and after he got the Silver Star for valor and after he got the Bronze Star for valor. It was afterward, but he served. First he did the thing he had to do. That brings a different level of experience than someone who only talks about how soft he is on defense. Patriotism? To suggest he is not a patriot? To suggest he would rather see Saddam Hussein in place? It

is outrageous and the American public should not believe it.

I call on veterans, who belong to whatever association, who served in whatever war, whether it was those who are still alive from World War I, World War II, Vietnam, Korea: Veterans, stand up and object. Don't let them say that about our comrade in arms. Don't let them question whether the wound was deep enough. You want to offend 270,000 people who got Purple Hearts in Vietnam? Should we go back and remeasure the depth of those wounds, see how much blood was let because they were hit by enemy fire?

It is not fair. I hope veterans across this country will disavow that kind of talk, that kind of suggestion, that kind of innuendo about someone who fought and disagreed with the policy—who first fought and then disagreed—in this sinister game being played by those who would challenge the heroism in the award of those medals which were certified by John Lehman, Secretary of the Navy, and another by the senior admiral in charge of the fleet in Vietnam. To challenge whether those medals were properly awarded is an outrage.

I think it is time to face up, tell the truth, discuss the issues and stop the name calling. Especially stop the accusation that someone who lost three limbs—as in the case of Max Cleland, who was defeated in his reelection attempt because it was said that he was soft on defense—wasn't patriotic enough. Maybe they were suggesting it is too bad he didn't lose the fourth limb. These are outrageous statements.

No, we cannot conduct ourselves like this. The American people see the hypocrisy. What it says is, if you can dismiss the truth and replace it with lies, replace it with distortion, replace it with insult, that is a way to build character for our young people. I defy that kind of performance, that kind of suggestion. It should not happen.

I am disturbed by the fact that two Americans had their heads cut off, punishment for something we don't understand. They were trying to bring democracy to a country that right now is not prepared for democracy. But we insist that that is what they want. Their country is being destroyed by insurgents. Their lives are being destroyed. However many we have lost, the Iraqis have lost far more.

The insurgents are intimidating those who would serve in the military and the Iraqi force. They are removing the incentive for those who want to be in law enforcement. They are totally intimidating those forces who would stand up and fight. Yet we continue to paint the rosy picture, like the President did a year ago May when he said "bring them on." They brought them on, all right. They brought them on as we never wanted to see them.

We have to stop this character assassination and these attacks. I hope we can muster the courage to do it in this place.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

### HONORING OUR ARMED FORCES

STAFF SERGEANT RICHARD P. RAMEY

Mr. DEWINE. Mr. President, I rise today to pay tribute to Army SSG Richard Ramey, from Perry Township, in Stark County, OH. He died on February 8, 2004, when his convoy was attacked in Mahmudiyah, Iraq—a village 20 miles south of Baghdad.

Richard lived life well. He made good choices. He never took the easy path. He never shied away from a challenge.

That is what drew him to the military. He pursued a career as a soldier knowing the possible dangers. Richard took on one of the most risky jobs in the Army. He took on the responsibility of explosive ordnance disposal. This meant, simply, that if someone found a bomb on the side of the road, or in a building, or anywhere, Richard's task was to disarm it.

Many of us would wonder why he volunteered for such a dangerous position. But Richard would have a simple answer. He did it to protect and ensure the safety of his comrades and the Iraqi people. He did it because he was never afraid to do what needed to be done.

Richard was born on November 6, 1976, to loving parents, Jerry and Julie Ramey. Jerry can still remember looking at Richard when he was in the hospital baby room. He could not help but laugh at Richard's curly brown hair with its frosted tips.

As a boy, Richard was known for hanging around the Perry Township fire station where Jerry was a volunteer fire investigator. Richard loved the excitement of the fire station and being there spending time with his dad.

At Perry High School in Massillon, OH, Richard made a lasting impression on all who met him. English teacher and assistant football coach Bob Kilpatrick remembered Richard as:

A good guy—a solid citizen. He came to class with his work done, came to practice ready to practice, and came to the game ready to play.

Richard was a great football player with an even greater work ethic. As an offensive guard and tackle, he was known for his hard hitting and determination to play despite an injury to his shoulder. Richard's coaches remember that even at practices in the summer heat, he would always be smiling.

Speaking of smiling, Richard was known for his sense of humor. One time, he described eggs as "liquid chickens" to his teacher—a proclaimed vegetarian. The teacher swore off eggs shortly thereafter.

Richard loved the outdoors. He loved to camp, hike, explore caves, and climb. He especially loved to fish. Richard's friends fondly recall how he always caught bigger fish than they did no matter what kind of bait they used or what kind of fishing pole they had.

Richard had the same passion for the military that he did for the outdoors.

Even as a youngster, Richard's parents knew he would join the military. On Halloween, he would dress up as Rambo or G.I. Joe. Friends remember that at sleepovers, Richard would make them watch his favorite movie, "Red Dawn"—a film about foreign armies taking over the United States.

In third grade, Richard's teacher asked the students to write a sentence about what they wanted to do when they grew up. Richard responded, "I will go to war and fight if I have to"—a motto he carried with him throughout his all too short life.

After high school, Richard joined the Army and entered the service on his mother's birthday. He carried on the military tradition of his family. His dad served 4 years in the Navy, and grandfather Bernard Richard, Sr. fought in World War II, notably at the Battle of the Bulge.

While Richard's mother knew that her son would follow his beliefs and do what he felt he needed to do, all she asked was that he call her every week—and he did. She said that "Richard loved to do his job. No matter where it would take him. He really felt deeply that he wanted to protect people who couldn't protect themselves." She understood that it took a special person to do what Richard did.

Richard's comrades loved him. They trusted him with their lives. And they had fun together. SSG Max Voelz, a member of Richard's unit, remembers the stories Richard would tell and the pranks he loved to play on people. In one instance, Richard filled an officer's room with balloons from the floor to the ceiling.

Richard served at the White House, in Kosovo, and in Egypt before his unit was transferred to Iraq. While in Iraq, he witnessed several tragic events. In December, Richard watched helplessly as one of his comrades and closest friends was killed while trying to defuse a bomb. Clearly shaken and understandably "numb," Richard called home for support from his parents. Shortly thereafter, Richard found himself in close proximity to another exploding bomb. Shrapnel hit his face and ruptured his eardrum. Through it all, Richard's unit became very close. They were family, both at home and in Iraq.

Despite these difficult times, Richard did not lose sight of his ultimate goal—to help those who could not help themselves. And that is why he was determined to continue his career in the military. While overseas, he enlisted for 6 more years and was looking forward to his next assignment in Alaska. His mom and dad were planning on driving him there.

Richard Ramey always will be remembered for his bravery and dedication to helping make the world a safer place. In the words of his father, Richard lived 80 years in 27—and in those 27, he made a difference.

In Massillon, OH, this past February, hundreds of soldiers, firefighters, police, Boy Scouts, sailors, and family

and friends paid their final respects to this American hero. Outside the church and along the funeral procession, many more braved the cold to show their support to the Ramey family by waving flags and holding signs. At Perry High School, a memorial plaque and photograph hangs in the hall as tribute to the school's brave alumnus.

Richard will forever live on in the hearts and minds of all those who had the privilege of knowing him, including his parents Jerry and Julie, sister Sarah, and brother-in-law, Nicholas. The Reverend Thomas Dyer, who spoke at Richard's funeral service, said it best:

[Richard] goes on in our memory with the powerful lesson to each one of us—to make of ourselves the best we can—to make a difference in our home and community.

Indeed, Richard made the best of himself and, in doing so, made a very real, very lasting difference in this world.

STAFF SERGEANT LESTER "BUDDY" KINNEY, II

Mr. President, I rise today to pay tribute to a young Ohioan who lost his life in the service of our country—a young Ohioan who dedicated himself to preserving the safety of his family, his friends, the Iraqi people, and his fellow Americans.

Army SSG Lester Kinney II was known to his family and friends by a nickname that exemplified his outlook on life, as well as the way he treated all who had the privilege of knowing him—and that nickname was "Buddy."

Buddy was born on February 28, 1976, and grew up in Muskingum County, OH. His mother, Barbara, fondly remembers his love for animals, classic cars, Johnny Cash, and blue-grass music. As a young boy, Buddy loved to play pranks on people, especially on Halloween, greatly increasing the popularity of his family's Zanesville home on the holiday.

Buddy attended John Glenn High School, where he played baseball and basketball. Described as "everybody's kid," Buddy was the kind of guy you wanted on your team. He was always a team player. And he was always in a good mood and could get along with anyone—and everyone. People liked Buddy Lester. As his former high school principal, Gary Lucas, said:

Everybody would be glad to have him as their son. He's the kind of kid you'd be glad to take home to meet your parents.

After graduating from high school in 1994, Buddy enlisted in the Army. His mother recalled that Buddy had always liked the "Be All You Can Be" commercials and was determined to join the Army from the time he was just 8 years old.

Buddy Kinney served in Afghanistan for most of 2003, where he earned a number of awards and decorations for his service and leadership. These include the Bronze Star, Expert Infantry Badge, Combat Infantry Badge, Army Service Ribbon, Army Commendation Medal, Good Conduct Medal, Parachutist Badge, Jumpmaster, and Air Assault Badge.

As a section leader in Afghanistan, Buddy was proud that after more than 150 movements in that dangerous country, none of the soldiers under his direction were ever injured.

Clearly, Buddy was one of this country's finest soldiers. However, he was more than just a great soldier—he was a family man and a model big brother.

Kurtis Bennett loved his big brother. He looked up to him. He respected him. He wanted to be like him. When Kurtis' father passed away, Buddy became the male figure in his life. Kurtis quickly learned that he could count on his brother Buddy for anything.

Kurtis fondly remembers how supportive Buddy was of his decisions. When Kurtis graduated from high school, he told his big brother that he was thinking of taking a year off before going to college. Buddy thought that was a good idea. However, the military recruiters came calling and Kurtis decided to sign up. Buddy was proud of his younger brother and helped him decide on joining the Army because of the opportunities it would provide. Buddy was only a phone call away when Kurtis went through basic training. When the two were serving overseas, Kurtis would make sure to call his brother whenever he could.

Buddy Kinney had big plans for his life. He married the love of his life, Marisa, on November 24, 2001. Though their married life together was short, it was rich and meaningful. He loved Marisa dearly.

Buddy's military career also brought him great fulfillment and meaning. He made 58 jumps as paratrooper, only 2 jumps away from earning a gold star above his parachute wings. He was known for making the best of his opportunities. While stationed in Alaska, Buddy learned to ski, and while in Hawaii he learned to surf. Buddy was proud of his service and believed in what he was doing.

After his service in Iraq, Buddy was hoping to become a warrant officer and a helicopter pilot. But, tragically, Lester "Buddy" Kinney's dreams were cut short. This country lost one of its finest on January 27, 2004, when a roadside bomb exploded while Buddy was conducting a dismounted patrol near Iskandariyah, Iraq. He had been assigned as the section leader to Bravo Company, 2nd Battalion, 505th Parachute Infantry Regiment, based out of Fort Bragg, NC.

I had the privilege of meeting Buddy's family and some of his friends at a service held in his honor. Each remembers Buddy's smiling face and positive attitude. I was particularly moved by a letter that his comrades from their service in Afghanistan wrote. It read in part:

We could not ask for a better friend or leader. From the dusty mountains of Afghanistan to the hot, flat desert of Iraq, we will always have a seat open for you.

We will always have a place for Buddy in our hearts. He will be cherished forever in the memories of his be-

loved wife Marisa, mother Barbara, stepfather Jack, brother Kurtis, sister Jodi, grandmother Nita, and many aunts, uncles, cousins, comrades, and friends.

Lester "Buddy" Kinney is an American hero, and may we always remember the sacrifice he made for us and for our country.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Ohio yields the floor.

Who seeks recognition?

The Senator from Nevada is recognized.

(The remarks of Mr. REID pertaining to the introduction of S. 2822 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### ROADBLOCK TO PROGRESS

Mr. MCCONNELL. Mr. President, it is after Labor Day so the campaign rhetoric is in full bloom. One thing we have already heard and continue to hear is this charge of a "do-nothing" Congress. And in yet another great paradox unique to this town, we find those who complain that the Senate is not driving ahead and are themselves the roadblock to progress.

For a year and a half we have seen a stall ballgame for the ages, an effort to run out the clock on this session practically before it began. We have seen unprecedented obstruction by a determined minority. Sadly, tactics not employed since the founding of the Republic have become commonplace in this body. We have seen tactics employed not only against highly controversial items but against noncontroversial, broadly supported items, too.

The CARE Act, which provides numerous tax improvements to assist and empower those who run, contribute, and benefit from our charitable organizations passed the Senate 95 to 5. No Democratic Senator voted no. Yet our colleagues on the other side of the aisle refuse to let this bill go to conference and, therefore, it lies near death.

Fortunately, I understand that the IDEA bill, which reforms and enhances the funding of education for disabled children—which passed the Senate 95 to 3—may well be going to conference tonight. If so, that is excellent movement in the right direction.

The Workforce Investment Act, which authorizes the worker training programs for young people, dislocated adults, veterans, Native Americans,

seasonal workers, and migrant workers, passed the Senate last year by unanimous consent. No one objected. Yet this bill also has not been able to go forward. Think about it. Bills virtually with no voiced opposition are being stopped by a silent and shadowy force, and the American people are being denied better jobs, better education, and a more compassionate society all because of a pattern of obstruction.

I think the practitioners of this obstruction owe an explanation to the American people as to why they are blocking these widely supported bills that they previously voted for on the Senate floor.

Fortunately, the majority leader's extraordinary effort and patience has enabled much to be done in spite of the obstruction. We have passed tax cuts to get the economy going again, and it sure is going again. We have passed a Medicare prescription drug benefit that is giving seniors an immediate helping hand with a full comprehensive benefit to start in about 15 months. We have passed a Do-Not-Call Registry and the Healthy Forest Act, the partial-birth abortion bill, and the NATO enlargement treaty. But that was last year. What about this year?

We passed into law a pension relief and stabilization plan for private sector businesses, workers, and their retirees. We passed into law a BioShield Act to improve countermeasures from biological, chemical, and other terrorist attacks. We passed into law the Unborn Victims of Violence Act and also a Defense appropriations bill, as well as a supplemental for operations in Iraq.

So much has been accomplished, but much more can and should be done. I call on our colleagues to allow us to move forward on the Workforce Investment Act and CARE right now so we can have an America with workers trained for the modern workplace, a better educational environment for our children, and a more compassionate safety net for our citizens.

I yield the floor.

Mr. REID. Mr. President, I want to make a brief statement. I have already spoken today on the issue Senator MCCONNELL has presented to the body. It was done earlier today by the distinguished junior Senator from Pennsylvania on the CARE Act, a bill that the minority wants to become law. But as I said to the Senator from Pennsylvania through the Chair, there are other ways of doing this than to conference. I have a list of a series of bills that have passed in this body, have been negotiated between the House and the Senate, and that did not go to conference. I don't know the exact number, but scores of bills passed. The same thing could be done with the CARE Act. The same could be done with the Workforce Investment Act.

I say to my distinguished counterpart, the senior Senator from Kentucky, that the risk for Republicans is

that their strategy may just be too obvious. The majority has become so unyielding at times that it seems more devoted to tagging Democrats with the obstructionist label than getting legislation passed. Bills have been abandoned rather than let Democrats have the votes on amendments they demand, such as a minimum wage increase or rules protecting workers' rights to overtime. The complaints about Democrats ignore the fact that internal Republican differences also cause delays.

I have on a pair of Allen Edmonds shoes today. They are shoes that are made in the United States. President Bush wears these shoes. So does Senator KERRY. They are one of the few shoe manufacturers left in America. The reason I mention that is that the chief executive of the company, John Stollenwerk, is upset because, as a result of our doing nothing on the FSC bill, he is now paying 19-percent penalties. And to this day, even though we agreed to go to conference, the House has not appointed conferees.

I say to my friend with all sincerity, we need not find fault. Let's find a way to work together. Let's impose our goodwill upon the Speaker of the House and have him appoint conferees to the FSC bill so that we can still have shoes made in America.

I ask unanimous consent that the list of bills to which I referred be printed in the RECORD.

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

BILLS ENACTED INTO LAW WITHOUT USING A CONFERENCE TO NEGOTIATE DIFFERENCES IN LANGUAGE BETWEEN THE HOUSE AND SENATE  
108TH CONGRESS (AS OF MAY 6, 2004—24 BILLS)

H.R. 1584, Clean Diamond Trade Act; H.R. 1298, AIDS Assistance; H.R. 733, McLoughlin House National Historic Site Act; H.R. 13, Museum and Library Services Act; H.R. 3146, TANF Extension; H.R. 659, Hospital Mortgage Insurance Act; H.R. 1516, National Cemetery Expansion Act; H.R. 3365, Military Family Tax Relief Act; S. 313, Animal Drug User Fee Act; S. 1768, National Flood Insurance Program Reauthorization Act; H.R. 1828, Syria Accountability and Lebanese Sovereignty Restoration Act; S. 459, Hometown Heroes Survivors Benefits Act.

H.R. 2297, Veterans Benefits Act; S. 877, CAN-SPAM Act; H.R. 100, Servicemembers Civil Relief Act; H.R. 1006, Captive Wildlife Safety Act; H.R. 1012, Carter G. Woodson Home National Historic Site Act; S. 686, Poison Control Center Enhancement and Awareness Act Amendments; S. 1680, Defense Production Act Reauthorization; H.R. 2264, Congo Basin Forest Partnership Act; H.R. 743, Social Security Protection Act; S. 1881, Medical Devices Technical Corrections Act; H.R. 254, Border Environment Cooperation Commission and a North American Development Bank; H.R. 2584, International Fisheries Reauthorization Act.

107TH CONGRESS (51 BILLS)

H.R. 428, Taiwan—World Health Organization; H.R. 1696, World War II Memorial; H.R. 801, Veterans' Opportunities Act (insurance coverage); H.R. 2133, 50th Anniversary Commemoration—Brown v. Board of Education; H.R. 2510, Defense Production Act Extension; H.R. 768, Need-Based Educational Aid Act; H.R. 10, Railroad Retirement and Survivor's

Improvement Act; H.R. 2540, Veterans Benefits Act; H.R. 2716, Homeless Veterans Assistance Act; S. 494, Zimbabwe Democracy and Economic Recovery Act; S. 1196, Small Business Investment Company Amendments Act; H.R. 1291, Veterans Education and Benefits Expansion Act.

H.R. 2199, D.C. Police Coordination Amendment Act; H.R. 2657, D.C. Family Court Act; H.R. 2336, Redact Financial Disclosure—Judicial Employees and Officers; H.R. 2884, Victims of Terrorism Relief Act; H.R. 700, Asian Elephant Conservation Reauthorization Act; H.R. 3090, Temporary Extended Unemployment Compensation Act; H.R. 2998, Radio Free Afghanistan Act; H.R. 1892, Family Sponsor Immigration Act; H.R. 1499, D.C. College Access Improvement Act; H.R. 3255, Enhanced Border Security and Visa Entry Reform Act; H.R. 169, Notification and Federal Employee Antidiscrimination and Retaliation Act; H.R. 4560, Auction Reform Act.

H.R. 3275, Suppression of the Financing of Terrorism Convention Implementation; H.R. 327, Small Business Paperwork Relief Act; H.R. 3487, Nurse Reinvestment Act; H.R. 1209, Child Status Protection Act (immigration); H.R. 4687, National Construction Safety Team Act; H.R. 2121, Russian Democracy Act; H.R. 4085, Veterans' Compensation Cost-of-Living Adjustment Act; S. 1533, Health Care Safety Net Amendments; H.R. 3801, Education Sciences Reform Act; H.R. 3253, Department of Veterans Affairs Emergency Preparedness Act; H.R. 4015, Jobs for Veterans Act; S. 1210, Native American Housing Assistance and Self-Determination Reauthorization Act.

S. 2690, Pledge of Allegiance; H.R. 5005, Homeland Security Act; H.R. 2546, Real Interstate Driver Equity Act; H.R. 3389, National Sea Grant College Program Act Amendments; H.R. 4878, Improper Payments Reduction Act; H.R. 1070, Great Lakes and Lake Champlain Act; H.R. 3394, Cyber Security Research and Development Act; H.R. 2621, Product Packaging Protection Act; H.R. 3908, North American Wetlands Conservation Reauthorization Act; H.R. 3833, Dot Kids Implementation and Efficiency Act; H.R. 5469, Small Webcaster Settlement Act; H.R. 2237, Veterans Benefits; S. 2017, Native American Settlements and Indian Financing Act Amendments; H.R. 3609, Pipeline Safety Improvement Act; H.R. 4664, National Science Foundation Authorization Act.

Mr. MCCONNELL. Mr. President, let me say briefly to my good friend from Nevada, I remain hopeful, as I know he does, that we will indeed be able to pass the FSC bill before we leave this year. I am optimistic that will be the case.

#### NATIONAL MUSEUM OF THE AMERICAN INDIAN

Ms. CANTWELL. Mr. President, I rise today to celebrate the opening of the National Museum of the American Indian, the first national museum dedicated to the preservation, study, and exhibition of the life, languages, literature, history, and arts of the first residents of the Americas. This museum works in collaboration with the native peoples of the western hemisphere to protect and foster their cultures by reaffirming traditions and beliefs, encouraging contemporary artistic expression, and empowering the Indian voice. And since it was designed primarily by Native Americans, it is

truly a first-hand look at both the history and future of indigenous American culture.

Fittingly, it is not a traditional museum, but rather a unique, living space, located in close proximity to nature. The building's design reflects the solar calendar and equinoxes, with an eastern orientation and entrance. Historical native stories are shared through the representation and interpretation of Indian cultures as living phenomena throughout the hemisphere. The NMAI is rich with imagery, connections to the earth, and historical meaning.

Washington state can be particularly proud of its tribes, which are well-represented. For example, an exhibit about original Native Treaties includes the 1855 Treaty of Neah Bay, which allowed the Makah Tribe to take whales from "accustomed grounds and stations." An exhibit about the contemporary lives of American Indians contains items from our very own Yakama Nation including a carton of Chief Yakama apples, a jar of Broken Spears pickled asparagus and a poster for the Yakama Nation Beauty Pageant.

Native Americans from other parts of the country who now call Washington State home also played important roles in designing this stunning new space. Johnpaul Jones, an architect of Choctaw and Cherokee heritage who lives in Seattle, was one of four project designers, and helped design and shape this museum to make it a dynamic place for all Americans to explore the contributions of American Indians to our culture.

Preston Singletary, a Tlingit artist who also lives in Seattle, contributed a piece to the exhibit "Our Universe," which focuses on American Indian cosmology and the spiritual relationship between the tribes and nature. His piece, a sand-carved glass, depicts the northwestern coastal legend of the "Raven Steals the Sun."

Today, as we welcome this wonderful new museum, let us also remember that as a nation, we must do more to fulfill the promises our country made to our native peoples. As a Senator who represents 29 tribes and a member of the Indian Affairs Committee, I will continue to work to see our nation meet these obligations, and to celebrate the contributions of Native Americans to our great Nation.

Mr. FEINGOLD. Mr. President, today our Nation marks the grand opening of the Smithsonian Museum of the American Indian. This new museum, the first museum opening on the National Mall since 1987, is truly spectacular, with awe-inspiring architecture, striking landscaping, and remarkable holdings that richly reflect the range of Native American culture and traditions. By opening this museum, we have finally recognized the contribution of Native people to our Nation. This recognition is long overdue.

The museum is not simply about the history of the American Indian, it is also a forward-looking museum, which

recognizes the vitality of tribal life throughout the world. This vitality is clearly evident in my State of Wisconsin, which is home to eleven federally recognized tribal governments: the Brad River Band of Lake Superior Chippewa Indians, the Forest County Potawatomi Indian Community, the Ho-Chunk Nation of Wisconsin, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin, the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin, the Menominee Indian Tribe of Wisconsin, the Oneida Tribe of Indians of Wisconsin, the Red Cliff Band of Lake Superior Chippewa Indians, the Sokaogan Chippewa (Mole Lake) Community of Wisconsin, the St. Croix Chippewa Indians of Wisconsin, and the Stockbridge Munsee Community of Wisconsin.

I am proud to represent the members of Wisconsin's tribes, many of whom are gathering here to support and participate in this important occasion. The influence of the Native Americans who have lived in Wisconsin for so many years is evident in the names of our cities and towns, lakes and rivers, and counties and parks. Wisconsin's native peoples' traditions are part of who we are and these vibrant communities make vast contributions to Wisconsin's culture.

Congress authorized the Smithsonian's National Museum of the American Indian on November 28, 1989 with passage of the National Museum of the American Indian Act. I congratulate my colleagues, the senior Senator from Colorado, Mr. CAMPBELL, who championed the creation of this museum as a member of the other body, and the senior Senator from Hawaii, Mr. INOUE, for their vision in writing the legislation that made this museum a reality.

The Museum opens today with a celebration that is expected to draw as many as 20,000 Native Americans to Washington. Many are calling the grand opening today the largest tribal gathering in history.

I commend the Congress and the Nation for finally recognizing our Native people and their past, present, and future contributions to America's culture, history, and tradition.

#### PEACE IN SUDAN

Mr. LUGAR. Mr. President, today I submit an amendment in the form of a substitute to S. 2781. I want to thank the majority leader for his support of our efforts to authorize assistance for the Darfur crisis and a final peace in Sudan. I also want to take this opportunity to express my appreciation to Senator BIDEN for his cooperation in introducing the bill, as well as in refining its language.

Our Committee recently held a historic hearing on Sudan. In that hearing Secretary Powell declared Sudan and the Janjaweed responsible for genocide. This important event reinforced congressional concern for African affairs and pursuing peace in Sudan.

Senator BIDEN and I have improved S. 2781 in the pending amendment by clarifying several elements. These improvements include an update to language that directly reflects the comments of Secretary Powell in his declaration of genocide in the Sudan. Further, the amendment clarifies that neither of the regions administered by the Government of Sudan nor the SPLM will be authorized to receive assistance unless the President certifies that they are complying with specific requirements.

Finally, upon receipt of the testimony and reports from Secretary Powell and the State Department, as well as the recent eyewitness account of the USAID Administrator Natsios, we want to redouble our commitment to support the African Union Mission in Sudan. The value of the reports from the small African Union Observer Force now in Darfur is evident and the international community must recognize its own responsibility in enabling the African Union to continue in this assertive and positive role. In my view the bill states that the United States should provide, to the extent practicable, all assistance necessary to ensure the African Union Mission in Sudan is capable of carrying out its mandate.

I urge my colleagues to support this important legislative initiative.

#### REMARKS TO THE COUNCIL ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, last week, at the invitation of the Council on Foreign Relations and the family of the late Paul Warnke, I gave the second annual Paul Warnke Lecture on International Security here in Washington. I spoke to the council about the ongoing efforts here in the Congress to address the issue of the reform of the intelligence community as recommended by the 9/11 Commission and others.

I told the council that to my mind, at least as important as the structural reforms of our intelligence community, and arguably even more so, is the need to protect the independence, objectivity and integrity of intelligence analyses. Too many times in our past, including most recently in the Iraq war, intelligence has been manipulated and politicized to support a specific policy.

I am willing to support the creation of a more powerful National Intelligence Director with greater authority over intelligence budgets and personnel, but only if this increased power is used to help ensure the accuracy, independence, objectivity and integrity of intelligence analyses, and not used to promote policy. I don't want a National Intelligence Director to be a more powerful "yes man" for the administration in power.

Mr. President, I ask unanimous consent that the full text of my speech to the Council on Foreign Relations on September 13, 2004, be printed in the RECORD.

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

REMARKS OF SENATOR CARL LEVIN AT THE PAUL WARNKE LECTURE ON INTERNATIONAL SECURITY AT THE COUNCIL ON FOREIGN RELATIONS

Thank you, Alton [Frye, Presidential Senior Fellow Emeritus at the Council on Foreign Relations]. Your connection with the Council since 1972 makes you a more enduring figure in Washington than just about anybody besides Senator BYRD.

It is a pleasure to be back at the Council, and an honor to be giving the second annual Paul Warnke Lecture on International Security. Paul was a great public servant and a tireless advocate for a wise and balanced approach to international security. I know there are some members of the Warnke family here, and I want to start by acknowledging their presence and thanking them for joining in the invitation to me.

Tonight I want to share some thoughts with you on the reform of our Intelligence Community, which is topic number one in the Senate right now. My remarks are subtitled "No more slam-dunks please, where nuance is needed."

With the end of the Cold War the greatest threats we face are from terrorists. We are less likely to be attacked by nations and armies with tanks and missiles, and more likely to be attacked by terrorists with bombs in trucks or strapped to their bodies.

Since terrorists are not deterred by the threat of their own destruction, and because terrorist networks are so diffuse, accurate intelligence is absolutely essential to preventing terrorist attacks.

The release of the 9/11 Commission's Report fueled a debate about how our intelligence community should be reformed to better respond to the terrorist threat. This is a debate we need to have. But in taking on structural reform involving stove-pipes and budget authority, we should not lose sight of the fundamental problem that was dramatically demonstrated not by the pre-9/11 intelligence failures but by the pre-Iraq War intelligence failures.

The intelligence failures before 9/11 related to intelligence agencies not using information they had and not sharing that information with others. The Report of the 9/11 Commission retold the story of people in the CIA and FBI, for instance, who failed to do their jobs in sharing information. And that Report noted the failure to hold anyone accountable. But there is no evidence in the more than 500-page 9/11 Commission Report that those failures were caused by inadequate budget power in the Director of Central Intelligence or his lack of authority to hire and fire intelligence personnel in other agencies than the CIA.

The failures to use and share intelligence have begun to be corrected with the formation of the Terrorist Threat Integration Center (TTIC). Coordination and sharing might be further enhanced by creation of a National Intelligence Director.

The massive intelligence failures before the Iraq War were of a totally different kind. To a significant degree, they were the result of the CIA shaping and manipulating intelligence to support Administration policy. The CIA's errors were all in one direction, invariably making the Iraqi threat clearer and sharper and more imminent, thereby promoting the Administration's determination to remove Saddam Hussein from power. Nuances were dropped; a slam-dunk was the assessment.

The CIA was saying to the Administration and to the American people what it thought the Administration wanted to hear.

The problem of intelligence being manipulated and politicized is not new. Forty years ago, Secretary of Defense McNamara claimed classified communications intercepts supported passage of the Gulf of Tonkin Resolution, which was used by President Johnson as the legislative foundation for expanding the war in Vietnam.

Those intercepts proved later to be very dubious. Regardless, the presidential decision had been made, and so intelligence was used to support that decision.

Intelligence was heavily manipulated by CIA Director William Casey during the Iran-Contra period. The Iran Contra Report cited evidence that Director Casey "misrepresented or selectively used available intelligence to support the policy he was promoting."

The Iran Contra Report urged strongly that "The gathering, analysis, and reporting of intelligence should be done in such a way that there can be no question that the conclusions are driven by the actual facts, rather than by what a policy advocate hopes these facts will be."

Former Secretary of State George Shultz, in his memoir *Turmoil and Triumph*, recalled Director Casey's actions and concluded that "The CIA should have nothing to do with policy. You have to keep objectivity in analyses."

History repeated itself with the pre-war Iraq intelligence. Before the war, top administration officials asserted that Saddam Hussein definitely had weapons of mass destruction and had close links to the al Qaeda terrorists who had attacked us on 9/11.

The President said in March of 2002 that "[Saddam Hussein] possesses the world's most dangerous weapons."

The Vice President in August of 2002 said "... we know that Saddam has resumed his efforts to acquire nuclear weapons. Many of us are convinced that Saddam will acquire nuclear weapons fairly soon."

National Security Advisor Rice said on September 8, 2002 that "We do know that there have been shipments going ... into Iraq, for instance, of aluminum tubes that really are only suited ... for nuclear weapons programs, centrifuge programs."

A few weeks later, Secretary of Defense Rumsfeld said that "Very likely all they need to complete a weapon is fissile materials—and they are, at this moment, seeking that material—both from foreign sources and the capability to produce it indigenously."

On September 19th, 2002, Secretary Rumsfeld said that Saddam Hussein "has, at this moment, stockpiles of chemical and biological weapons, and is pursuing nuclear weapons."

Regarding al Qaeda links to Saddam Hussein, President Bush made the unqualified link between al-Qaeda and Saddam Hussein on September 25th, 2002, when he said "you can't distinguish between al-Qaeda and Saddam when you talk about the war on terror."

Following those kind of strong public statements of senior administration leaders, qualifications and cautious words in previous Intelligence Community reports were dropped, and intelligence was shaped more and more to reflect and support the certainty of the administration's policy statements.

For instance, on February 11, 2003, DCI Tenet publicly stated, as though it were fact, that Iraq "has provided training in poisons and gases to two al-Qaida associates." However, in his then-classified testimony on September 17, 2002, which reflected the underlying intelligence analysis, Director Tenet acknowledged that the information on training was "from sources of varying reliability." The underlying intelligence also acknowledged that the information was "at

times contradictory." As the Senate Intelligence Committee report makes clear, DCI Tenet's public testimony could lead people to believe incorrectly "that the CIA believed the training had definitely occurred."

That Senate Intelligence Committee 500-page unanimous report set out dozens of instances like that where the CIA or its leaders made statements about Iraq's WMD which were significantly more certain than the underlying classified intelligence reporting or than their previous classified statements.

The first overall conclusion of that Senate Intelligence Committee report is that "Most of the major key judgments in the Intelligence Community's October 2002 National Intelligence Estimate (NIE), Iraq's Continuing Programs for Weapons of Mass Destruction, either overstated or were not supported by, the underlying intelligence reporting."

The CIA's efforts to support Administration policy instead of doing what they are supposed to do—which is to inform Administration policy makers—wasn't limited to WMD issues. DCI Tenet also helped support the Administration's contention that Saddam Hussein and al Qaeda were closely linked, or as President Bush had said on September 28, 2002, "each passing day could be the one on which the Iraqi regime gives anthrax or VX nerve gas or someday a nuclear weapon to a terrorist group." This took a special contortion on DCI Tenet's part because the CIA's then-classified analysis was that there were no significant links between Saddam Hussein and al Qaeda.

Here is some background on that: on October 7, 2002, at our request, the CIA in a letter to the Senate Intelligence Committee declassified its assessment and indicated Iraq was unlikely to provide WMD to terrorists, and that providing WMD to terrorists would be an "extreme step" for Saddam Hussein, likely to be taken by him only in response to an attack against him by us. However, DCI Tenet told the New York Times that there was "no inconsistency" between the views in that CIA letter and the President's views on the subject. His statement was clearly incorrect, but it supported the Administration by trying to blur the inconsistency. The Senate voted on the authorization to use force a few days later on October 11.

And the CIA went along with the Administration's repeated references to a reported meeting in Prague between an Iraqi intelligence officer and the lead hijacker in April of 2001. At a hearing in February of this year, I asked Director Tenet about that alleged meeting. He told me that the CIA had "not gathered enough evidence to conclude that it happened," and that "I don't know that it took place. I can't say that it did." What he neglected to say, again bending over backwards to protect Administration policy, was that the CIA did not believe the meeting had happened. He finally acknowledged that publicly a few weeks ago when the CIA said that there was an "absence of any credible information that the April 2001 meeting occurred."

Again, in all of these cases, and many others, where public statements of the CIA varied from the underlying classified intelligence before the war, the Iraqi threat became clearer and more dire and the presence of WMD more certain. In public statements and reports, the CIA leadership had effectively become a political arm of the White House. There is no other explanation which has any ring of truth.

That is not the only rational inference. It also has some explicit evidentiary support. You remember the scene in Bob Woodward's book, *Plan of Attack*, after the Intelligence Community's case regarding Iraqi WMD was

presented to the President in the Oval Office on December 21st, 2002:

"Bush turned to Tenet. 'I've been told all this intelligence about having WMD and this is the best we've got?'"

"From the end of one of the couches in the Oval Office, Tenet rose up, threw his arms in the air. 'It's a slam-dunk case!' the director of central intelligence said."

"Bush pressed. 'George, how confident are you?'"

"Tenet, a basketball fan who attended as many home games of his alma mater Georgetown University as possible, leaned forward and threw his arms up again. 'Don't worry, it's slam-dunk!'"

George Shultz's admonition about the fundamental need to separate intelligence from policy as the only way to obtain objective and independent intelligence, had been dramatically proven again. Other experts have reminded us of this point.

Former DCI Judge William Webster told the Senate Governmental Affairs Committee a few weeks ago that:

"With respect to relations with the president, while the leader of the intelligence community must be the principal advisor on intelligence to the president, he must work hard—very hard—to avoid either the reality or the perception that intelligence is being framed—read 'spun'—to support a foreign policy of the administration."

Former chief weapons inspector David Kay put it this way before the Senate Intelligence Committee:

"Intelligence must serve the nation and speak truth to power even if in some cases elected leaders chose, as is their right, to disagree with the intelligence with which they are presented. This means that intelligence should not be part of the political apparatus or process."

How does all of this affect the pending consideration of intelligence reform? I have the good fortune (I guess) to be the only Senator to serve on all three Senate Committees which are considering intelligence reform legislation issues. We have held about 10 hearings since the 9/11 Commission report was presented, and are expected to have legislation prepared for the Senate by October. Most of the focus so far has been on fixing the pre-9/11 type failures; that is, the failures of information sharing and coordination.

To my mind, at least as important as the structural reforms, and arguably even more so, is the need to protect the independence, objectivity and integrity of intelligence analyses.

I am willing to support the creation of a more powerful National Intelligence Director, with greater authority over intelligence budgets and personnel, but only if this increased power is used to help ensure the accuracy, independence, objectivity and integrity of intelligence analyses, and not used to promote policy. I don't want a National Intelligence Director to be a more powerful "yes man" for the Administration in power.

One way to promote more objective and independent intelligence is to put Congress on a roughly equal basis with the executive branch as a primary consumer of intelligence. The National Intelligence Director and the entire Intelligence Community must understand that their analyses are just as much for Congress as for the President. It also means that senior intelligence leaders should be subject to Senate confirmation. And it surely means that the National Intelligence Director should not be established in the Cabinet or in the Executive Office of the President.

And giving both the Chairman and Vice Chairman of the House and Senate Intelligence Committees the power to obtain documents and initiate investigations—much



like the current Permanent Subcommittee on Investigations of the Governmental Affairs Committee—would also strengthen congressional oversight.

The bottom line is that terrorism is currently our number one threat, and intelligence is our most essential tool to deal with that threat. Before we create a stronger National Intelligence Director, in a position which has too often produced intelligence shaped to promote policy, we must take steps to ensure that a strengthened National Intelligence Director—and indeed our entire Intelligence Community—is free to provide objective, independent intelligence analyses. Our future security depends on it.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In September 2004, Michael Hughes, a 58-year old man, was arrested after he verbally assaulted a man he believed was gay, then slashed him repeatedly with a small knife. Upon checking his rap sheet, police discovered that Hughes was wanted in Baltimore for the 1974 Christmas Eve killing of another man.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### WEST VIRGINIA'S 2004 ANGELS IN ADOPTION

Mr. ROCKEFELLER. Mr. President, today I wish to recognize a very special family from my home state of West Virginia. I am delighted that Pam and Morgan Lacefield of Moundsville, WV, will be recognized later this month as "Angels in Adoption," a special award created by the Congressional Adoption Caucus.

I would like to take a moment to tell you more about Pam, Morgan, and the entire Lacefield family. Pam and Morgan Lacefield are the proud parents of nine wonderful children. This large, loving bunch is typical of many: they are involved in a host of sports and activities. They do homework. They enjoy family meals together. There is one quality, however, that makes the Lakefield family special: Pam and Morgan have adopted every one of their nine children. It is not surprising that such a loving couple would also run a shelter for homeless animals with no where else to turn.

In 1991, Pam and Morgan were managing a successful group of restaurants that they owned while also raising two

children, whom they had previously adopted. They soon became aware of four siblings who were in need of a loving permanent home and who did not want to face separation. Pam and Morgan adopted them, too, bringing to six the total number of children in their home under the age of five. Later, they adopted another "sibling group" of three children, and they have been on the go ever since!

True leaders in their community, Pam and Morgan have been involved in a number of charitable organizations within West Virginia, and were named West Virginia Parent Teachers' Association's Partners in Education for 1999-2000. And, eleven years after adopting their first sibling group, Pam and Morgan opened a "no-kill" animal shelter, which they named Webark Estates. Their examples of selflessness and commitment have not been lost on the youngest members of their family—each of their children now helps at the shelter in some capacity, and it has become a labor of love for all of the Lacefields. It is a lucky child who can claim over 20 dogs and 80 cats as his pets, and it is a luckier child still who can claim Pam and Morgan Lacefield as parents. As you can see, they are clearly "angels."

The Angels in Adoption Award recognizes individuals like the Lacefields who open their hearts and homes to children in foster care. On September 23, the Lacefields and other Angels will come to Washington in order to be recognized for their good works. The Lacefield family and the other Angel in Adoption nominees from around the country can help inspire everyone to continue efforts to ensure that every child has a safe, healthy, and permanent home and that, for some children, this is only possible through adoption.

I have worked for many years in bipartisan coalitions to promote adoption and improved services for abused and neglected children. While these issues rarely command headlines, they change the lives of children and families across our country. People like the Lacefields and programs like Angels in Adoption remind us of the importance of our adoption and child welfare programs. In 1997, Congress passed the Adoption and Safe Families Act to ensure that a child's health and safety are paramount, and to express the belief that every child deserves a permanent home. Since then, adoptions from foster care have nearly doubled. While this is wonderful news, more than 100,000 children remain in foster care. As the Lacefields and other adoptive parents would tell us, we clearly have more work to do.

Mr. President, I am delighted to have had this opportunity to tell you more about the Lacefield family. I have long believed that the people of West Virginia are its greatest resource; individuals such as the Lacefields prove this point again and again.

#### SUPPORTING CHILDREN IN CRISIS

Mr. GRASSLEY. Mr. President, I rise today to give praise to a great nonprofit organization, Santa's Children Christmas Village, run by Orien Hodges in Walnut, IA. This organization has been supporting children in crisis for years both by raising money for other nonprofit organizations dedicated to children in crisis and by organizing Santa visits to bring joy to children, helping them escape briefly from the reality of serious illness. Santa's Children Christmas Village has been able to visit over 7,500 children in Iowa as well as neighboring states since the program started in 1998.

Santa's Children Christmas Village is currently expanding its efforts to help underprivileged children by working with a fellow organization, Kids In Distressed Situations, Inc. KIDS's main goal is to prevent the cycle of poverty that is started in childhood from continuing into adulthood. KIDS has been successful in its efforts because of the help it receives from leading retailers, manufacturers, licensors and other charity organizations such as Santa's Children Christmas Village. I am proud of the efforts of my fellow Iowans and the organizations that they are working with in order to better the lives of children in America.

#### ENDORSEMENT OF THE PUBLIC SAFETY OFFICERS' DEFENSE ACT

Mr. KYL. Mr. President, I ask unanimous consent that the following letter be printed in the RECORD. The letter expresses the strong support of the Fraternal Order of Police for S. 2760, the Public Safety Officers' Defense Act.

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

GRAND LODGE,  
FRATERNAL ORDER OF POLICE,  
Washington, DC, September 17, 2004.

Hon. JON KYL,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR KYL: I am writing on behalf of the membership of the Fraternal Order of Police to advise you of our strong support for S. 2760, the "Public Safety Officers' Defense Act," which will restore balance to the criminal justice system by ensuring a reasonable and timely Federal review of State convictions for the murder of a law enforcement officer.

This issue is of particular importance to the F.O.P. because we have, tragically, firsthand knowledge of how such delays affect the families of slain officers. One case in particular always comes to mind—the slaying of Philadelphia Police Officer Daniel Faulkner on 9 December 1981. He was murdered in cold blood by Wesley Cook, who is better known by his alias, Mumia Abu-Jamal. This killer was convicted of murder and sentenced to death by a jury in July 1982. After exhausting nearly all State appeals, and having had two appeals to the U.S. Supreme Court rejected, Faulkner's murderer filed a petition for habeas corpus in October 1999. Just days after marking the twentieth anniversary of Danny Faulkner's death, Judge William Yohn of the United States District Court for

the Eastern District of Pennsylvania issued a ruling upholding the conviction, but threw out the death sentence on a technicality. The case was appealed to the U.S. Third Circuit Court of Appeals on 28 December 2001. While the case remains on the docket, Danny's killer is alive and on death row. As his widow Maureen will tell you, this is not justice.

Your legislation would require that, following State court and U.S. Supreme Court certiorari reviews are completed, district courts review cases within fifteen months and circuit courts rule within 120 days. This means that, absent the granting of a full review of the case by the U.S. Supreme Court, that Federal review of cop-killers' appeals would be completed, in most cases, within a two year period.

The bill also incorporates an existing provision of the Federal habeas statute that is used to determine whether a defendant may file a successive petition or seek a new evidentiary hearing in Federal court. Thus, once a convicted cop-killer's case arrives in the Federal courts, they would only be able either to offer new evidence of innocence or to give a good reason why he failed to present such evidence earlier, thus barring defendants from simply relitigating evidence that already was presented or should have been presented at trial.

Assaults on law enforcement officers, including those which result in the death of the officer, are on the rise, and so is the length of time a convicted cop-killer will remain on death row while his appeals are processed. The murder of a law enforcement officer is a heinous crime—every State that has the death penalty allows juries to impose on those convicted of killing an officer. And yet, if the death penalty is not imposed in a reasonable amount of time, after all the requirements of due process are met and guilt is certain, then it does not have any meaning, either as a deterrent or a punishment. Your legislation correctly addresses this problem for what most recognize to be one of the most serious crimes—killing a cop.

On behalf of the more than 318,000 members of the Fraternal Order of Police, I applaud you for your leadership on this issue and look forward to working with you and your staff to see it signed into law. If I can be of any further assistance, please do not hesitate to contact me or Executive Director Jim Pasco at my Washington Office.

Sincerely,

CHUCK CANTERBURY,  
National President.

#### THE AIR FORCE ACADEMY DRUM AND BUGLE CORPS

Mr. ALLARD. Mr. President, I rise today to recognize the commendable record of the Air Force Academy Drum and Bugle Corps. The Air Force Academy Drum and Bugle Corps was established in 1959, as a unit of the Air Force Academy Band. The Corps was made up of enlisted musicians and included six drummers, nine buglers, a drum major and a noncommissioned officer in charge. The mission of the Corps was to act as a relief group for the Air Force Academy Band. Activities of the band included playing for the cadet morning and evening chow formations and to practice marching. This addition to the Air Force Academy Band helped to complete musical requirements for the cadet wing military formations.

Within 2 years of its formation the Air Force Academy Drum and Bugle Corps was increased to 38 members, and its mission was extended nationwide to include concerts, field exhibitions, music festivals, and various military ceremonies. The Corps entertained audiences from coast to coast with a blend of precision drill and musical pageantry. In 1972, the Enlisted Corps was disbanded and students from the Air Force Academy formed the Cadet Drum and Bugle Corps, which continues the tradition of providing musical support of cadet wing activities, as well as participation in community activities nationwide.

I take this opportunity to thank the distinguished members of the Air Force Drum and Bugle Corps for their dedication and commitment to the Academy and to our country.

#### ADDITIONAL STATEMENTS

##### VA AND UF JOIN FORCES TO HELP STROKE VICTIMS

• Mr. GRAHAM of Florida. Mr. President, the Department of Veterans' Affairs, VA, has a long and distinguished history of collaboration with various universities across the country. No such partnership has yielded more successful results than that between the Malcom Randall VA Medical Center, VAMC, in Gainesville, FL, and the University of Florida, UF. In keeping with their long history together, these two notable institutions announced on July 6, 2004, that they will be working together to help stroke victims.

The Translational Research in Rehabilitation Initiative, as it has been named, is a \$2.7 million effort to improve the lives of those who have suffered from strokes and other brain injuries. Its goal is to drastically shorten the time between scientific discovery and the development of therapies used for the treatment of these patients. Currently, an average of 17 years go by before discoveries in clinical trials are routinely incorporated into medical treatment.

Previous thinking was that the mature nervous system could not be repaired after injury. Since 1990, however, scientists have known this is not true. As such, the joint initiative will utilize the advanced skills of UF scientists and physicians to translate discoveries from animal research into quicker ways of reconstructing the damaged human nervous system. With VA's assistance, UF also will recruit three new faculty members, whose goal will be to accelerate brain-injury research to find combinations of drugs and rehabilitation therapies that will help stroke victims.

The project is an extension of research that began 1999 with Leslie Gonzalez-Rothi, Ph.D., a neurology professor associated with UF's Evelyn F. and William L. McKnight Brain Institute and program director of the Brain

Rehabilitation Research Center at the Gainesville VAMC. That year, Dr. Gonzalez-Rothi obtained the first rehabilitation research and development grant from VA to start the Brain Rehabilitation Research Center. At the center, UF scientists study combinations of drugs and rehabilitation techniques in people who have suffered strokes, focusing their efforts on rehabilitating patients and teaching them to relearn lost abilities. This new mission will explore the ways doctors can actually help heal the injury and is part of the July renewal of a 5-year, \$4.25 million rehabilitation research and development grant to the center. In addition to the grant, the Gainesville VAMC will provide nearly 4,000 square feet of laboratory space in its medical center to support the effort.

This new partnership between VA and UF is a shining example of what VA can and will accomplish through its impressive research capabilities, especially with the help of its university affiliates. The strides that result from the Translational Research in Rehabilitation Initiative will significantly improve patient care for the entire Nation, making a difference in the lives of veterans, as well as the general public. I am very proud that this project is being conducted in my home State of Florida. •

##### IN HONOR OF MASTERFOODS USA CHICAGO PLANT 75TH BIRTHDAY

• Mr. DURBIN. Mr. President, today I offer congratulations to Masterfoods USA on the 75th birthday of their candy plant in Chicago, IL. Masterfoods is the U.S. division of Mars, Incorporated.

Chicago is America's candy capital. Since 1929, the hard-working folks at the Masterfoods plant in Chicago have been making our world sweeter.

The plant is the birthplace of the world's best-selling candy bar—the Snickers bar as well as home to other favorites, including the Milky Way and 3 Musketeers bars. Today, the Masterfoods USA Chicago plant produces 20 percent of all Masterfoods USA candy bars about 30 million bars a day.

Much like Chicago, the Masterfoods plant has been in a constant state of renewal and investment, and is as contemporary today as it was when it opened in 1929. Built on a site that was previously a golf course, the plant is unlike other factories, with a picturesque, high-windowed Spanish-style structure featuring a rich red tile roof and tinted walls.

When it opened in 1929, the plant employed about 200 workers. Today, the plant employs about 500 associates, 10 percent of whom have a relative who formerly worked there. There are even three people working at the plant today who are third-generation plant associates.

Beyond creating and retaining jobs, Masterfoods USA is committed to community involvement. Each year at Halloween, more than 500 costumed children from the surrounding neighborhood converge on the plant to trick-or-treat. The company also donates equipment to Chicago Shriners Hospital for Children and provides 25 district police stations with candy for community outreach. In all, the Masterfoods USA Chicago plant assists more than 100 community programs each year. This is a company that has not just been an employer, it has also been a good neighbor.

Today I wish to honor the 75th birthday of the Masterfoods USA Chicago Plant. Their success is a point of pride for Chicago and the State of Illinois. May their future be as sweet as their past.●

#### BEALE AIR FORCE BASE: AIR FORCE EXCELLENCE

● Mrs. BOXER. Mr. President, I rise today to recognize Beale Air Force Base as the United States Air Force winner of the 2004 Commander in Chief's Installation Excellence Award. This award recognizes the outstanding efforts of the people who operate and maintain Department of Defense installations and who best utilize their resources to support the mission. In recognition of this prestigious accomplishment, Team Beale has been awarded \$1 million for quality of life improvements.

The Commander in Chief's Installation Excellence Award recognizes the best United States Military installations worldwide, demonstrating innovative programs that help sustain excellent base operations. Each base was evaluated in the following categories: improving work environment or physical plant; improving quality of life; enhancing productivity of the work force; increasing customer satisfaction or improving customer service; encouraging bottom-to-top communication and team problem solving; promoting unit cohesiveness and recognizing outstanding individual efforts; and, promoting environmental safety, compliance, remediation, and stewardship.

In fiscal year 2003, Team Beale established itself as the benchmark for the United States Air Force. Teamwork was Beale's cornerstone among the core units, associate units, and the civilian community as they embraced the Installation Commander's motto, "One Team, One Fight." Beale Air Force Base put intelligence, surveillance, and reconnaissance on the offensive with an unprecedented 3,450 sorties, 1,175 combat missions, and 13,300 combat hours during Operations Enduring and Iraqi Freedom. Team Beale led coalition forces in battle space preparation and time-critical targeting by producing more than 89,000 imagery products and 25,000 special intelligence products for two combatant commanders.

In addition to Beale's history-making, record-breaking contributions to the United States' combat efforts, it also worked to improve in other areas. Beale Air Force Base took a lead role in its \$180 million housing privatization efforts for 1,344 homes in conjunction with \$114 million in base-wide improvements and \$56 million in RQ-4A Global Hawk bed down initiatives. In recognition of their outstanding performance, individual and team awards included: United States Air Force Air Force Outstanding Unit Award; United States Air Force Maintenance Effectiveness Award; United States Air Force Twelve Outstanding Airmen of the Year Award; United States Air Force Explosives Safety Plaque; 33 Air Combat Command award; United States Strategic Command's Omaha Trophy; and, Eight Numbered Air Force awards.

The men and women of Beale Air Force Base have set the Air Force standard for installation excellence. By embracing the Air Force core values of "Integrity First, Service Before Self, and Excellence in All We Do," Team Beale used creative innovations to establish themselves as the best of the best. It is with great pleasure that I congratulate Beale Air Force Base on the receipt of the prestigious Commander in Chief's Installation Excellence Award.●

#### ALBERT M. DESHUR'S 90TH BIRTHDAY

● Mr. KOHL. Mr. President, I rise today to honor Albert M. Deshur on his 90th birthday. I commemorate Mr. Deshur as a prominent leader, businessman, and philanthropist, who has long served the community of Milwaukee.

Mr. Deshur, as a lifelong community leader and self-made man, has set the standard for integrity, pride, conscientiousness, reliability, honesty and character, while at the same time always maintaining a sense of balance through his earnestness and sense of responsibility to provide for the community around him.

In honor of Mr. Deshur's 90th birthday, I acknowledge his many contributions to the City of Milwaukee. In 1948, Mr. Deshur founded the Deshur Homes company in Milwaukee, WI, where he currently serves as chairman of the board. Through his hard work and dedication, he has been responsible for master planning and developing over 2,000 acres of land, building more than 7,000 single-family homes, and developing many multi-family and commercial projects. Twelve years later, Mr. Deshur founded the Hampton State Bank, located in Milwaukee, where he served as president and chief executive officer providing thousands of customers a bank they could trust. His commitment to the city has provided the people of Milwaukee great opportunities that would not have been possible without his vision.

Mr. Deshur has also been an active philanthropist for children's causes, including the Albert and Ann Deshur Rainbow Day Camp at the Jewish Community Center of Milwaukee. He is a prominent member of the Jewish community of Milwaukee, founding member and major benefactor of Temple Shalom and a generous and consistent supporter of the Milwaukee Jewish Federation for many years.

I thank Mr. Deshur for his many contributions to the city of Milwaukee and I join his many friends and family in celebration as we honor Mr. Deshur on his 90th birthday. He is the very best Milwaukee and Wisconsin has to offer, and I wish him good health and continued happiness.●

#### CORDELL BANK NATIONAL MARINE SANCTUARY: IN HONOR OF ITS 15TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I wish to recognize and share with my colleagues an important milestone for Cordell Bank National Marine Sanctuary. The sanctuary will observe its 15th anniversary on October 2.

Cordell Bank National Marine Sanctuary was established in 1989 when a House joint resolution was signed by the President. I was pleased to be an original cosponsor of the resolution which was sponsored by Congressman Doug Bosco.

The sanctuary encompasses 530 square miles of marine waters, off the coast of Point Reyes National Seashore, about 45 miles north of San Francisco. The boundary includes a unique granite bank, the Cordell Bank, and is located along the continental shelf.

The sanctuary encompasses exceptional and diverse marine life, both above and below the surface, providing a home for resident marine species and a destination feeding ground for many migratory marine mammals, fish and seabirds.

Twenty-six marine mammal species live in the waters of Cordell Bank National Marine Sanctuary as do over 250 fish species. It is among the most important feeding grounds in the world for the endangered Humpback and Blue whales. It also serves as a crucial foraging area for resident, migratory and seabound birds. In fact, Cordell Bank National Marine Sanctuary is otherwise known as the "Albatross capital of the Northern Hemisphere."

In the 15 years since the sanctuary was established, threats to the Cordell Bank and other points along our coast have grown. California's population has continued to increase near the coast, and oil and gas exploration proposals continue to threaten our marine ecosystems.

Because of these threats, I believe preserving and celebrating our protected areas off the California coast is particularly important. Since the Cordell Bank National Marine Sanctuary was established, the sanctuary's

resources have grown with it, providing better protection for the sanctuary's future. Staff has increased from one to five and a half full time employees. The staff now has an office, a sea-bound vessel, monitoring programs, an advisory council and a new management plan to serve the sanctuary and its mission into the future.

I applaud everyone who has worked to protect the marine ecosystems of the Cordell Bank National Marine Sanctuary, and I wish the sanctuary staff and volunteers many years of ongoing success in protecting the California coastal environment. Please join me in celebrating the 15th Anniversary of Cordell Bank National Marine Sanctuary.●

#### DOROTHY HUGHES: IN MEMORIAM

● Mrs. BOXER. Mr. President, I honor and share with my colleagues today the memory of a very special woman, Dorothy Hughes of Marin County, who died July 25, 2004. She was 80 years old.

Dorothy Hughes was born on her parents' sheep ranch in Woodland, CA in 1923. As a young girl, she attended the Hamlin School in San Francisco and in 1943 she graduated from Stanford University. She went on to earn her master's degree in European history at California State University at Sacramento.

Dorothy Hughes was a lifelong champion of humanitarian causes. Envisioning a "world that works for all of us," she campaigned tirelessly for peace and social justice. Dorothy also deeply felt the need to ensure decent health and social services for her community, and her unwavering dedication left a legacy of community-based health organizations in Marin County. In addition to founding the Campaign for a Healthier Community for Children, Marin Suicide Prevention Center and Marin Family Action, she also served as executive director of the Marin Association of Mental Health for more than two decades. Throughout her life, Dorothy remained committed to her convictions, often in the face of powerful opposition.

Dorothy Hughes was recognized numerous times for her invaluable contributions to the community. The Human Rights Commission's Martin Luther King, Jr. Humanitarian Award, and induction into the Marin Women's Hall of Fame are among the many honors she received.

A dynamic figure in Marin County, Dorothy touched countless lives during the 35 years she resided there. She was a deeply-loved member of the community whose courage and conviction inspired others, and she will be greatly missed. We take comfort in the knowledge that future generations will benefit from Dorothy's dedication, vision and leadership.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT DECLARING THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS TO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—PM 95

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

##### *To The Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2004, to the Federal Register for publication. The most recent notice continuing this emergency was published in the Federal Register on September 22, 2003 (68 FR 55189).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, September 21, 2004.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2823. A bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-9338. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporation's annual report for calendar year 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9339. A communication from the Assistant General Counsel for Legislative and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Central Air Conditioners and Heat Pumps Energy Conservation Standards" (RIN1904-AB46) received on September 14, 2004; to the Committee on Energy and Natural Resources.

EC-9340. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Emergency Rule: Endangered and Threatened Wildlife and Plants; Establishment of an Additional Manatee Protection Area in Lee County, Florida" (RIN1018-AT65) received on August 11, 2004; to the Committee on Environment and Public Works.

EC-9341. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Topeka Shiner" received on August 11, 2004; to the Committee on Environment and Public Works.

EC-9342. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Astragalus Magdalene* var. *peirsonii* (Peirson's milk-vetch)" received on August 11, 2004; to the Committee on Environment and Public Works.

EC-9343. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, Agency-issued documents related to its regulatory programs; to the Committee on Environment and Public Works.

EC-9344. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department for Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Ratio, and Annual Deductible Beginning January 1, 2005" (RIN0938-AN18) received on September 9, 2004; to the Committee on Finance.

EC-9345. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant

to law, the report of a rule entitled "Approval and Promulgation of Operating Permits Program; State of Kansas" (FRL#7793-6) received on August 6, 2004; to the Committee on Environment and Public Works.

EC-9346. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Operating Permits Program; State of Nevada, Clark County Department of Air Quality Management" (FRL#7795-7) received on August 6, 2004; to the Committee on Environment and Public Works.

EC-9347. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Operating Permits Program; State of Iowa" (FRL#7793-8) received on August 6, 2004; to the Committee on Environment and Public Works.

EC-9348. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Ambient Air Quality Standards for Particulate Matter" (FRL#7794-1) received on August 6, 2004; to the Committee on Environment and Public Works.

EC-9349. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees for Consular Services; Exemption from the Nonimmigrant Visa Application Processing Fee for Family Members of Individuals Killed or Critically Injured While Serving in the United States" (RIN1400-AB95) received on September 14, 2004; to the Committee on Foreign Relations.

EC-9350. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-9351. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2001-24" (FAC2001-24) received on August 6, 2004; to the Committee on Governmental Affairs.

EC-9352. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Implementation of a Performance-Based Incentive System; to the Committee on Health, Education, Labor, and Pensions.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Appropriations, without amendment:

S. 2825. An original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005, and for other purposes (Rept. No. 108-353).

By Mr. DEWINE, from the Committee on Appropriations, without amendment:

S. 2826. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes (Rept. No. 108-354).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with amendments:

S. 1530. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River (Rept. No. 108-355).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2742. A bill to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. ROBERTS for the Selected Committee on Intelligence.

\*Porter J. Goss, of Florida, to be Director of Central Intelligence.

\*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. DURBIN (for himself, Mr. BUNNING, Mr. BAYH, and Mr. FITZGERALD):

S. 2817. A bill to provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI:

S. 2818. A bill to amend the Help America Vote Act of 2002 to ensure the same requirements that apply to voters who register by mail also apply to voters who do not register in person with an officer or employee of a State or local government entity, and to provide for increased penalties for fraudulent registration in cases involving 10 or more violations; to the Committee on Rules and Administration.

By Mr. SPECTER:

S. 2819. A bill to provide education to students in grades 8, 9, and 10 about the importance of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN:

S. 2820. A bill to ensure the availability of certain spectrum for public safety entities by amending the Communications Act of 1934 to establish January 1, 2009, as the date by which the transition to digital television shall be completed, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mr. BOND):

S. 2821. A bill to reauthorize certain programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. REID (for himself, Mr. BOND, and Mr. JEFFORDS):

S. 2822. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st century; to the Committee on Environment and Public Works.

By Mr. CRAIG (for himself and Mr. KENNEDY):

S. 2823. A bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes; read the first time.

By Mr. SCHUMER:

S. 2824. A bill to exclude from income certain wages of spouses of members of the Armed Forces serving in combat zones; to the Committee on Finance.

By Mr. BOND:

S. 2825. An original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. DEWINE:

S. 2826. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes; from the Committee on Appropriations; placed on the calendar.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself and Mr. LEAHY):

S. Res. 431. A resolution designating November 2004 as "National Runaway Prevention Month"; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. FEINGOLD, Mrs. DOLE, Ms. MIKULSKI, Mr. BROWNBACK, Mr. LEAHY, Mr. LUGAR, and Mr. CORZINE):

S. Res. 431. A resolution expressing the sense of the Senate that the United Nations Security Council should immediately consider and take appropriate actions to respond to the growing threats posed by conditions in Burma under the illegitimate rule of the State Peace and Development Council; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 91

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 91, a bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.

S. 491

At the request of Mr. REID, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from North Carolina (Mr. EDWARDS) were

added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1397

At the request of Mr. GREGG, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1397, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 1428

At the request of Mr. MCCONNELL, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1428, a bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity.

S. 1925

At the request of Mr. KENNEDY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1925, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 2018

At the request of Mr. BUNNING, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2018, a bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or return phase of the expedition, and for other purposes.

S. 2158

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2253

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2253, a bill to permit young adults to perform projects to prevent fire and suppress fires, and provide disaster relief, on public land through a Healthy Forest Youth Conservation Corps.

S. 2279

At the request of Mr. HOLLINGS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2279, a bill to amend title 46, United States Code, with respect to maritime transportation security, and for other purposes.

S. 2336

At the request of Mr. REID, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2336, a bill to expand access to preventive health care services and education programs that help reduce unintended pregnancy, reduce infection with sexually transmitted disease, and reduce the number of abortions.

S. 2425

At the request of Mr. BYRD, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2466

At the request of Mr. BROWNBACK, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 2466, a bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child.

S. 2468

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

S. 2489

At the request of Mr. INOUE, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2489, a bill to establish a program within the National Oceanic and Atmospheric Administration to integrate Federal coastal and ocean mapping activities.

S. 2553

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2553, a bill to amend title XVIII of the Social Security Act to provide for coverage of screening ultrasound for abdominal aortic aneurysms under part B of the medicare program.

S. 2568

At the request of Mr. BIDEN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2671

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2671, a bill to extend temporary State fiscal relief, and for other purposes.

S. 2686

At the request of Mr. ENZI, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2686, a bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act.

S. 2740

At the request of Mr. DASCHLE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2740, a bill to improve dental services in underserved areas by amending the Public Health Service Act, and for other purposes.

S. 2744

At the request of Mr. SUNUNU, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Louisiana (Mr. BREAUX), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS), the Senator from Hawaii (Mr. INOUE), the Senator from Indiana (Mr. LUGAR), the Senator from Illinois (Mr. FITZGERALD) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2744, a bill to authorize the minting and issuance of a Presidential \$1 coin series.

S. 2781

At the request of Mr. LUGAR, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2781, a bill to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes.

S. 2795

At the request of Mr. ENZI, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2795, a bill to provide for higher education affordability, access, and opportunity.

S. 2813

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2813, a bill to designate the facility of the United States Postal Service located at 19504 Linden Boulevard in St. Albans, New York, as the "Archie Spigner Post Office Building".

S. CON. RES. 8

At the request of Ms. COLLINS, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as "National Visiting Nurse Association Week".

S. CON. RES. 136

At the request of Mr. CONRAD, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Con. Res. 136, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 365

At the request of Mr. BROWNBACK, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. Res. 365, a resolution expressing the sense of the Senate regarding the detention of Tibetan political prisoners



by the Government of the People's Republic of China.

S. RES. 420

At the request of Mr. PRYOR, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Jersey (Mr. CORZINE), the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Mr. DAYTON) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. Res. 420, a resolution recommending expenditures for an appropriate visitors center at Little Rock Central High School National Historic Site to commemorate the desegregation of Little Rock Central High School.

S. RES. 424

At the request of Mr. CRAIG, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Maryland (Ms. MIKULSKI), the Senator from Mississippi (Mr. COCHRAN), the Senator from Oregon (Mr. SMITH), the Senator from Washington (Mrs. MURRAY), the Senator from Indiana (Mr. BAYH) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. Res. 424, a resolution designating October 2004 as "Protecting Older Americans From Fraud Month".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. BUNNING, Mr. BAYH, and Mr. FITZGERALD):

S. 2817. A bill to provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, today I am introducing a bill to honor Abraham Lincoln in 2009, the bicentennial of his birth, by issuing a series of 1-cent coins with designs on the reverse that are emblematic of the 4 major periods of his life, in Kentucky, Indiana, Illinois, and Washington, D.C. The bill would also provide for a longer-term redesign of the reverse of 1-cent coins so that after 2009 they will bear an image emblematic of Lincoln's preservation of the United States as a single and united country.

Abraham Lincoln was one of our greatest leaders, demonstrating enormous courage and strength of character during the Civil War, perhaps the greatest crisis in our Nation's history. Lincoln was born in Kentucky, grew to adulthood in Indiana, achieved fame in Illinois, and led the Nation in Washington, D.C. He rose to the Presidency through a combination of honesty, integrity, intelligence, and commitment to the United States.

Adhering to the belief that all men are created equal, Lincoln led the effort to free all slaves in the United States. Despite the great passions aroused by the Civil War, Lincoln had a generous heart and acted with malice

toward none and with charity for all. Lincoln made the ultimate sacrifice for the country he loved, dying from an assassin's bullet on April 15, 1865. All Americans could benefit from studying the life of Abraham Lincoln.

The "Lincoln cent" was introduced in 1909 on the 100th anniversary of Lincoln's birth, making the front design by sculptor Victor David Brenner the most enduring image on the nation's coinage. President Theodore Roosevelt was so impressed by Brenner's talent that he was chosen to design the likeness of Lincoln for the coin, adapting a design from a plaque Brenner had prepared earlier. In the nearly 100 years of production of the "Lincoln cent," there have been only two designs on the reverse: the original, featuring two wheat-heads, and the current representation of the Lincoln Memorial in Washington, D.C.

On the occasion of the bicentennial of Lincoln's birth and the 100th anniversary of the production of the Lincoln cent, we should recognize his great achievement in ensuring that the United States remained on Nation, united and inseparable.

By Mr. DOMENICI:

S. 2818. A bill to amend the Help America Vote Act of 2002 to ensure the same requirements that apply to voters who register by mail also apply to voters who do not register in person with an officer or employee of a State or local government entity, and to provide for increased penalties for fraudulent registration in cases involving 10 or more violations; to the Committee on Rules and Administration.

Mr. DOMENICI. Mr. President, the 2004 election is quickly approaching, and all Americans must be assured that when they cast their ballots, they will do so with the knowledge that the United States has done everything possible to ensure the election will be fair. Therefore, I rise today to introduce a commonsense election reform bill that will amend the law to add additional simple steps that will help ensure the integrity of the voting process and increase criminal penalties for those who knowingly and willfully commit fraud in voter registration.

There is a recent court decision in New Mexico that has taken the plain reading of a very clearly written statute and has turned it on its head. The statute says:

(4) a statement informing the applicant, that: (a) if the form is not submitted in person by the applicant and the applicant is registering for the first time in New Mexico, the applicant must submit with the form a copy of a current and valid photo identification, utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the applicant—

I stress again, "in person."

(b) if the applicant does not submit the required identification, he will be required to do so when he votes in person or absentee.

I submit the statute could not be clearer. However, in a bizarre contor-

tion of logic, the New Mexico Secretary of State has determined that a third party can register 10, 100 or 1,000 voters. As long as that third party shows up in person at the county clerk's office, the actual voter does not have to show identification. Have we ever heard of anything more ridiculous?

I believe the root cause of this problem is the recent proliferation of 527s that have begun to pop up throughout the country, largely uncontrolled and unregulated. These 527s have taken unlimited financial contributions from individual and other private sources to conduct voter mobilization drives and other activities. I am not against registering as many as we can, but this and the ruling seem to me to leave many voters to be unfairly treated because their vote may be wiped out by those who have not followed the State statute.

While no one will argue against a laudable goal, as I indicated, of increasing voter registration and voter turnout, the unintended consequence of these activities I have described can be immense. The paid volunteers of these 527s are largely untrained, not familiar with communities in which they are working, nor are they familiar with the realities of election laws. In many cases, the volunteers are being paid by the number of people they are able to register. This has resulted in certain voters being registered two or more times at multiple addresses under multiple names.

My hometown paper, the Albuquerque Journal, has published stories about minors receiving voter registration cards in the mail as well as stories about paid volunteers telling convicted felons they have unlimited ability to register and vote. County clerks have also said they have been inundated with thousands of incomplete or illegible forms.

While no one can be sure of the exact effect of these 527s and what their effect will be on voter fraud in registration and in casting votes, the bill I am introducing today will amend the Help America Vote Act, called HAVA, by extending the identification requirements to individuals who have not themselves registered in person with their county clerk. In addition, it will enhance the penalties for individuals who knowingly and fraudulently register 10 or more people to vote.

I know many people will believe my intentions in introducing this legislation are partisan. Skeptics will say my motive is political. But voter fraud is not about partisanship or politics; it is about fairness. Voter fraud is not a political act; it is a criminal act.

Voting is the most important duty and responsibility of our citizens. Other reform issues have received a lot of attention, but I believe it is imperative to focus our attention on the fundamental issue of casting votes honestly and fairly. The Help America Vote Act, which we passed in 2002, and

the hundreds of new State laws that implement it fail to provide adequate uniform systems that verify voter identity, as I have indicated, or by court interpretation wipe out the protections that might be contemplated by clear and unambiguous statutes.

Requiring a voter to provide identification prior to voting is not an unreasonable imposition, given the responsibility and possibilities that are attendant to not doing that are truly monumental. Simple and straightforward reforms, such as the one I am proposing, will make it easier to vote but harder to cheat. Showing the American public that we are serious about elections and those who might seek to do it improperly will go a long way toward restoring confidence in the registration and balloting process.

I have already indicated that I sent the bill to the desk for appropriate referral.

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. 2818

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The right to vote is a fundamental and inconvertible right under the Constitution.

(2) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(3) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the United States is a democratic government "of the people, by the people, and for the people" in which every vote counts.

(4) There is a need for Congress to encourage and enable every eligible American to vote by eliminating procedural obstacles to voting.

(5) There is a need to counter discrimination in voting by removing barriers to the exercise of the constitutionally protected right to vote.

(6) There is a need to ensure that voter registration processes fairly incorporate every eligible American seeking to exercise the right to vote.

(7) Participation in the electoral process is a fundamental civic responsibility in which all eligible Americans should be encouraged to actively participate.

(8) There is a need to ensure that every eligible American seeking to exercise the right to vote has access to the electoral process through a uniform system of voter registration that includes each voter's personal registration with an appropriate State or local government election entity.

(9) Congress has authority under section 4 of Article I of the Constitution of the United States, section 5 of the Fourteenth Amendment to the Constitution of the United States, and section 2 of the Fifteenth Amendment to the Constitution of the United States to enact legislation to address the equal protection violations that may be caused by unfair voting systems.

(10) Congress has an obligation to ensure that the States and localities improve elec-

tion administration and to ensure the integrity of full participation of all Americans in the democratic election process.

#### SEC. 2. REQUIREMENTS FOR VOTERS WHO DO NOT REGISTER IN PERSON WITH AN OFFICER OR EMPLOYEE OF A STATE OR LOCAL GOVERNMENT ENTITY.

(a) IN GENERAL.—

(1) APPLICATION OF REQUIREMENTS TO VOTERS NOT REGISTERING IN PERSON.—Section 303(b)(1)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(1)(A)) is amended to read as follows:

"(A) the individual—

"(i) registered to vote in a jurisdiction by mail; or

"(ii) did not register to vote in a jurisdiction in person with an officer or employee of a State or local government entity; and"

(2) MEANING OF IN PERSON.—Paragraph (1) of section 303(b) of such Act is amended by inserting at the end the following:

"For purposes of subparagraph (A)(ii), an individual shall not be considered to have registered in person if the registration is made by a person other than the person whose name appears on the voter registration form."

(b) CONFORMING AMENDMENT.—The heading for subsection (b) of section 303 of such Act is amended by inserting "AND WHO DO NOT REGISTER IN PERSON" after "MAIL".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 303 of the Help America Vote Act of 2002.

#### SEC. 3. INCREASED PENALTIES RELATING TO FRAUDULENT VOTER REGISTRATION IN CASES INVOLVING 10 OR MORE VIOLATIONS.

(a) FALSE INFORMATION IN REGISTERING OR VOTING.—Subsection (c) of section 11 of the Voting Rights Act of 1965 (42 U.S.C. 1973i(c)) is amended by inserting at the end the following: "In the case of any person who is found to have been in violation of this section with respect to 10 or more voter registrations, this section shall be applied by substituting '\$20,000' for '\$10,000' and by substituting 'ten years' for 'five years' with respect to each such violation."

(b) PENALTY UNDER NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 12 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-10) is amended by inserting at the end the following: "In the case of any person who is found to have been in violation of paragraph (2)(A) with respect to 10 or more registration applications, such person shall be fined not less \$500,000 (\$1,000,000 in the case of an organization) or shall be imprisoned not more than 10 years, or both, and any such fine shall be paid into the general fund of the Treasury as provided in the preceding sentence."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to violations occurring after the date of the enactment of this Act.

By Mr. SPECTER:

S. 2819. A bill to provide education to students in grades 8, 9, and 10 about the importance of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Higher Education Preparation Program Act of 2004, which is legislation designed to expand higher educational opportunities for American students. There is no doubt as to the benefit of receiving a post-secondary education. The level of education that individuals accumulate has an important influence

on their experience in the labor market. According to 2002 U.S. Census Bureau statistics on educational attainment and earnings, the mean earnings of men with a bachelor's degree is \$63,354, while the mean earnings of men with a high school degree is \$32,363. This is a difference of more than \$30,000 or 97 percent.

In recent years, there have been clear signs that more Americans are pursuing higher education opportunities. In June 2002, USA Today reported that 63 percent of high school graduates go to college immediately after graduation, the highest percentage in U.S. history. Yet not all of the news on college graduation rates has been good. Only 18 percent of African Americans and 11 percent of Hispanic high school graduates earn a bachelor's degree by their late twenties, compared to 33 percent of whites according to the National Center for Education Statistics (NCES) in 2001. Further, in 2000, NCES reported that 22 percent of low-income, college qualified high school graduates do not pursue post-secondary education, compared to 4 percent of high-income graduates.

As I travel through Pennsylvania, I still hear from too many middle school and high school students that they do not have the preparation necessary to enroll in higher education institutions. On a recent trip to the Commonwealth, I joined Andrew McKelvey—the founder of the McKelvey Foundation—to announce federal funding for entrepreneurial scholarships to rural, low-income Pennsylvania high school graduates. During that trip, I talked to Mr. McKelvey regarding the need to not only ensure access to funding for students to pursue higher education, but the need to both inform students about the importance of higher education, as well as prepare students for the application process.

The bill I am introducing today, the Higher Education Preparation Program Act of 2004, will help to educate middle school and high school students in grades 8, 9, and 10, about higher education opportunities. This bill will create a program which will both provide students with information on higher education opportunities and prepare students for the process of applying to institutions of higher education by providing access to higher education preparation instruction. The availability of information on higher education opportunities makes an enormous difference to students contemplating continuing their education at the undergraduate level.

My legislation will provide a grant to a nonprofit organization to develop a core curriculum to be taught in the classroom to equip middle and high school students with the appropriate skills and knowledge to pursue post-secondary education. Given the importance of higher education, it makes sense to prepare students for the undergraduate process as part of their

class instruction to ensure that all students have access to the necessary information to attain their goals. To this end, middle schools and high schools participating in the program would dedicate one hour each week of their classroom activity to higher education preparation of students utilizing the core curriculum.

Additionally, I seek to create a network of intensive academic support for students by encouraging public-private partnerships to emphasize the importance of higher education. Partnerships with private entities create a unique opportunity for middle schools and high schools to supplement and enhance the core curriculum by offering appropriate enrichments, including guest speakers, videos and web-based services. For example, through these partnerships, middle school and high school students will gain first-hand knowledge of the skills that businesses are seeking by having the opportunity to speak with business leaders, as well as perhaps tour local facilities. This will underscore the significance and importance of higher education for students as they embark on their future career paths.

To implement this initiative, my bill would authorize \$10 million annually for fiscal years 2005 through 2010, for a nonprofit organization to develop a core curriculum which has as its cornerstone higher education preparation, as well as to establish this higher education preparation demonstration project. Under this project, five State educational agencies would be awarded federal funding to offer higher education preparation programs using the core curriculum in middle and high schools with historically low rates of student application and admission to post-secondary institutions.

It is my hope that this Act will ensure that students who wish to enroll in a higher education institution will have access to the tools and resources necessary to help them plan for undergraduate study. We must take this step to encourage students to pursue their educational goals especially those who might not otherwise have this opportunity. I urge my colleagues to join me in cosponsoring this Act, and urge its swift adoption.

By Mr. MCCAIN:

S. 2820. A bill to ensure the availability of certain spectrum for public safety entities by amending the Communications Act of 1934 to establish January 1, 2009, as the date by which the transition to digital television shall be completed, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I rise today to introduce a bill to support the Nation's finest: our police, fire fighters and other emergency response personnel. The "Spectrum Availability for Emergency-response and Law-enforcement to Improve Vital Emergency Services Act," otherwise known as

"The SAVE LIVES Act." This bill is drafted in response to the 9-11 Commission's Final Report, which recommended the "expedited and increased assignment of radio spectrum for public safety purposes."

To meet this recommendation, the SAVE LIVES Act would set a date certain for the allocation of spectrum to public safety agencies, specifically the 24 MHz of spectrum in the 700 MHz band that Congress promised public safety agencies in 1997. This is a promise Congress has yet to deliver to our Nation's first responders. Now is the time for Congressional action before another national emergency or crisis takes place. Access to this specific spectrum is essential to our Nation's safety and welfare as emergency communications sent over these frequencies are able to penetrate walls and travel great distances, and can assist multiple jurisdictions in deploying interoperable communications systems.

In addition to setting a date certain, this bill would provide funds for public safety agencies to purchase emergency communications equipment, require the Federal Communications Commission (FCC) and the Department of Homeland Security (DHS) to study whether additional spectrum is necessary to support emergency communications systems, authorize a DHS program promoting interoperable emergency communications systems, provide funds to ensure no consumers' television set goes "dark" due to public safety's use of this television spectrum, mandate labeling of all analog television sets to better prepare consumers for the digital transition, support a consumer education program on digital television and required the FCC to complete its outstanding digital television proceedings.

The 9-11 Commission's Final Report found, "The inability to communicate was a critical element at the World Trade Center, Pentagon and Somerset County, Pennsylvania, crash sites, where multiple agencies and multiple jurisdictions responded. The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, state, and federal levels remains an important problem." This bill would improve public safety interoperability and capability as quickly as possible.

However, the 24 MHz of spectrum promised to public safety organizations is currently being used by the television broadcasters, and will not be available until the broadcasters complete the transition to digital television. At a recent Senate Commerce Committee hearing, Federal Communications Commission (FCC) Chairman Michael K. Powell stated that absent intervening legislation broadcasters may not be able to vacate this spectrum for "decades" or "multiples of decades."

Therefore, this bill would set a firm deadline for the completion of the digital television transition: December 31, 2008. This date ensures that this spectrum would be available for use by police, fire fighters and other first responders no later than January 1, 2009. Is this soon enough? No, I wish it could be sooner. But after hearing testimony from Chairman Powell, public safety organizations and broadcasters at a recent Senate Commerce Committee hearing, I decided that a December 31, 2008 date presents the most reasonable deadline providing numerous benefits to consumers and public safety organizations, including: 1. Adequate time for public safety agencies to begin building their interoperable communications networks to operate in the 700 MHz band; 2. Sufficient time for the government to auction some of the remaining spectrum in the 700 MHz band to raise funds for the purchase and installation of new interoperable public safety communications equipment; 3. The certainty that manufacturers need to warrant the development and build-out of interoperable public safety communications equipment for use in the 700 MHz band; 4. Preparation time for consumers and the government to get ready for the completion of the digital transition, including time to purchase more digital television sets and time for the government to implement a subsidy program to ensure no television sets go "dark" on January 1, 2009; 5. A seamless transition period where all television stations migrate at once to digital broadcasting; and, 6. Sufficient time for the FCC to complete its outstanding proceedings regarding the digital television transition.

In addition to setting a firm date for public safety's use of the spectrum, the bill would require the FCC, in consultation with DHS, to conduct a study to assess public safety organizations' future communications needs, including the need for additional spectrum, the need for a nationwide interoperable broadband mobile communications network, the ability of public safety organizations to use broadband and narrowband applications, and whether other first responders such as hospital and health care workers should be included in a nation-wide interoperable communications system. If our Nation's first responders need more spectrum to perform their work safely, then Congress should ensure that more spectrum is available at the same time the public safety organizations begin preparing to use the promised 24 MHz. This allows for efficiency and ensures that public safety organizations will not be subjected to multiple implementations of new communications equipment.

This bill would also ask the FCC to study the advisability of reallocating some of the spectrum in the 700 MHz band for unlicensed wireless broadband uses. Unlicensed wireless broadband has many prospective benefits to our

Nation and allows the potential for pervasive connectivity nationwide. The bill would require the FCC to report back to the Senate and House Commerce Committees within one year of the bill's enactment on both studies' findings; however, nothing in the bill would preclude the FCC from taking action with respect to spectrum for unlicensed uses before completion of its report.

The SAVE LIVES Act would authorize one of the President's top E-Government initiatives: DHS' Wireless Public SAFETY Interoperability Communications Program, commonly referred to as SAFECOM. This program serves as the umbrella program within the Federal Government to coordinate the efforts of local, tribal, state and Federal public safety agencies to promote effective, efficient and interoperable wireless communications. SAFECOM has been moved between the Department of Justice and the Department of Treasury and now resides at DHS. By authorizing SAFECOM within its rightful place, DHS, it ensures the program will remain available to assist our Nation's first responders and localities.

SAFECOM has served as a consultant to many states and localities assisting with the development of their interoperable emergency communications systems. However, most importantly, SAFECOM has completed the development of critical standards for public safety communications equipment mandating interoperability, which is now included as a condition on all monies provided to localities by the Federal Government for public safety communications equipment. This should provide for greater national interoperability and decreased costs for localities. Recognizing the need for a centralized office to handle all aspects of emergency communications planning, the Administration created SAFECOM and this bill would authorize it.

Additionally, this bill would appropriate auction revenues from the sale of returned analog broadcast spectrum to create a subsidy to limit the disruption of broadcast services to the public, especially for those who rely exclusively on over-the-air broadcast television. The total cost of this subsidy program is not to exceed \$1 billion. This may sound like a great deal on money, especially to a fiscal conservative like myself; however, it is only a small portion of the revenues it is believed the auction of this spectrum will generate. And most importantly, it is a small cost to ensure that all Americans have access to over-the-air television. Local television broadcasting is truly an important part of our homeland security and often an important communications vehicle in the event of a national, regional or local emergency.

The New America Foundation testified before the Commerce Committee in June 2004 that the auction of the analog television spectrum can be ex-

pected to yield between \$30-to-\$40 billion in revenue to the Treasury. Last week in testimony before the Senate Commerce Committee, FCC Chairman Powell stated that he has heard estimates as high as \$70 billion. Based on these projections, the \$1 billion to fund a consumer subsidy program would be less than three percent of the total expected auction revenues from the analog television spectrum.

One billion may even be more than enough to assist the 17.4 million over-the-air consumers because this figure assumes that digital-to-analog converter boxes will retail for approximately \$75 per box in 2008. Last week, Motorola testified that they would introduce a digital-to-analog converter box for \$67 per unit in the near term. Motorola calculated that such a price per unit would cap the cost of providing converters at less than \$840 million nationwide to all over-the-air consumers. This week Zenith Electronics announced that the company intends to retail digital-to-analog converter boxes at \$50 to \$70 per unit within four years.

The bill would also establish the parameters for the subsidy program, requiring the program to be developed by the Department of Commerce in conjunction with the Office of Management and Budget and established no later than January 1, 2008. The bill would require the program to give priority to funding equipment or services to low income viewers, to offer these viewers technology neutral options and to be conducted at the lowest feasible administrative cost.

The bill would also authorize any remaining funds from the subsidy program, along with other auction monies, to be used to establish a grant program to provide public safety organizations with emergency communications equipment so these groups can begin using the 24 MHz of spectrum by January 2009. The specific amount would be determined by the Director of the Office of Management and Budget and be based on a National Baseline Interoperability study currently being conducted by SAFECOM. This study is currently being performed to determine the precise amount that is already being provided by the Federal government to local and regional public safety organizations for the purchase of new communications equipment and for the funding of emergency communications training.

There are numerous grant programs throughout the Federal government, however no agency has ever studied how much money from how many grants is being provided to localities. After this study is completed, as required by this legislation by December 31, 2005, the Federal government will best know how much money is necessary to ensure that public safety organizations have the equipment necessary to immediately begin using the 700 MHz spectrum in January 2009.

At the September 8, 2004 Senate Commerce Committee hearing, a represent-

ative of public safety organizations testified, "There also needs to be expanded funding for equipment, and more extensive planning and cooperation among public safety personnel at all levels of government. This includes local governments who must interoperate with their neighbors and with overlapping jurisdictions, regional authorities covering large metropolitan areas and sometimes crossing state borders, states through their State Interoperability Executive Committees (SIECs), and the Federal Government." This bill would respond to such requests from public safety organizations and localities. Just providing spectrum to public safety is not enough. Without funds to purchase new equipment, this spectrum may sit fallow after being vacated by the broadcasters. This would be an unfair result to broadcasters, public safety organizations and American citizens.

In pursuit of educating consumers about the digital television transition, the bill would require, after September 30, 2005, the labeling of all analog television sets to communicate to buyers that the purchase of additional equipment may be necessary after December 31, 2008. The bill would also require retailers to post the same information at the store.

Also in an effort to educate consumers about the digital television transition, the bill would require, within one year of enactment, that the Department of Commerce report back to the Senate and House Commerce Committees any recommendations on an effective program to educate consumers about the digital television transition; the need, if any, for Federal funding, and the duration of such a program. Lastly, the bill would require the FCC to issue a decision on some remaining DTV proceedings, including a proceeding on whether cable or satellite companies should be required to carry broadcasters' multi-cast channels and whether broadcasters should have additional public interest requirements as part of the DTV transition.

Specifically, the 9-11 Commission's Final Report gave Congress clear directives: accelerate the availability of spectrum for public safety and provide more spectrum for public safety. Public safety organizations have stated that neither of these goals can be met without increasing funding for public safety. This legislation charts a course to achieve all three of these objectives without stranding over-the-air television consumers.

As you may be aware, Senator LIEBERMAN and I introduced S. 2774 earlier this month implementing the 9-11 Commission's final recommendations, including the recommendation that Congress should support H.R. 1425, "The Homeland Emergency Response Operations Act," commonly known as "The HERO Act." The HERO Act would set an earlier date of December 31, 2006 for the return of this spectrum. Senator LIEBERMAN and I included this language in our bill S. 2774.

After introducing S. 2774, I heard criticisms from some consumers and broadcasters that the HERO Act was flawed as it did not ensure continued over-the-air broadcast television service. Public safety organizations also remained skeptical that they would have the funds necessary to purchase equipment to operate on the newly acquired spectrum. Therefore, last week, as Chairman of the Commerce Committee, I held a Committee hearing to examine the benefits and shortcomings of the HERO Act, and whether there are other policy proposals that could achieve the same result, providing spectrum and equipment expeditiously to public safety organizations, without potentially forcing some television broadcast stations to go "dark."

I heard testimony that in order to meet the HERO Act's December 31, 2006 deadline, at least 40 broadcast stations, and possibly more, broadcasting on this spectrum would be required to vacate. In many of these markets, there is no available spectrum for station relocation, meaning this legislation may force some stations, including many Spanish language stations, to cease over-the-air broadcasting possibly harming consumers. As the CEO of PAXTV, a broadcaster who broadcasts on 17 of these 40 affected stations, aptly stated, "Our money was invested on the basis that we would be treated equally with all television stations during the transition. The [HERO Act] discriminates against us."

I heard testimony from public safety representatives that the 24 MHz was not enough, that more spectrum and more funds were needed to ensure adequate interoperable emergency communications systems are in place to ensure the safety of first responders and the public. Chief Devine of the Missouri State Highway Patrol stated, "Inadequate spectrum leads to congested channels and interference among licensees, potentially blocking life-saving radio communications and generating confusion during critical incidents. Additional spectrum capacity would alleviate that congestion and allow for much faster 'ramping up' of communications capability when major emergencies occur."

In an effort to expeditiously retrieve the spectrum for the Nation's first responders, to preserve over-the-air television accessibility to consumers and to ensure the adequate funding of both, I urge the enactment of The SAVE LIVES Act.

By Ms. SNOWE (for herself and Mr. BOND):

S. 2821. A bill to reauthorize certain programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce the "Small Business Reauthorization and Manufacturing Assistance Act of 2004," that reauthorizes programs administered by the

Small Business Administration under the Small Business Act and the Small Business Investment Act of 1958, and contains significant improvements to SBA programs.

I am confident that the bill before us will accelerate our efforts to work with the other body to resolve outstanding issues that are blocking passage of a larger Small Business Administration reauthorization bill. It is my hope Congress can send a final bill to help small businesses to the President for signature before the close of the 108th Congress.

The bill before us contains many provisions that are substantively similar to the Small Business Administration 50th Anniversary Reauthorization Act of 2003, S. 1375, which was passed by the Senate on September 26, 2003.

The fundamental purpose of the SBA is to "aid, counsel, assist, and protect the interests of small-business concerns." The methods for carrying out the mandates set forth by Congress include a wide array of financial, procurement, management, and technical assistance programs tailored to encourage small business growth and expansion. As the economy continues to recover and grow, it is essential that Congress send a message that affirms long-term stability in the programs the SBA provides to the small business community.

In the 50-year period since the establishment of the SBA, there have been many revisions and additions to the methods and organizational structure used by the SBA to respond to the evolving needs of the small business. This bill I introduce today builds on those changes.

Since 1953, nearly 20 million small business owners have received direct or indirect help from one of the SBA's lending or technical assistance programs, making the agency one of the government's most cost-effective instruments for economic development.

SBA's current loan portfolio of more than 200,000 loans worth more than \$45 billion makes it the largest single supporter of small businesses in the country. In this year alone, lenders have made 83,912 loans to small businesses in the SBA's two major loan programs, with a total value of \$16.5 billion.

Moreover, the SBA's Small Business Investment Company program's current portfolio of more than 16,900 financings with an initial investment amount of \$17.2 billion makes it the largest single equity-type backer of U.S. businesses in the Nation. Since 1958 the venture capital program has put more than \$42.3 billion into the hands of small business owners, and this year it has produced investments of more than \$2.6 billion in small businesses.

The SBA estimates that thus far in the current fiscal year its loan and venture capital programs have provided small businesses with \$19.7 billion in various forms of financing, and have allowed small businesses to create or retain 716,144 jobs.

In my home State of Maine, almost 2,500 SBA loans have been made since 1999, for a total of over \$288 million, to small businesses that might not have qualified for loans through lending channels not supported by the SBA.

Each year, there are 3 to 4 million new business start-ups and one in 25 adult Americans are taking steps to start a business. These small business owners now want to make plans for the future, including decisions that will create approximately two-thirds of all net new jobs and help sustain local communities, according to a recent survey by the National Federation of Independent Business.

Over the last five years the SBA's programs and services have helped create and retain over 6.2 million jobs. According to the SBA, the \$65.5 billion awarded to small businesses in Federal prime and subcontracts in FY 2003 will create or retain close to 500,000 jobs.

The SBA also estimates that reauthorizing the agency will result in the creation or retention of an estimated 3.3 million jobs over the next 5 years. During that same period, the SBA and its programs are predicted to support over 1 million jobs through prime contracts and subcontracts.

In September 2003, the Senate unanimously passed a bill that I had introduced to reauthorize for 3 years the SBA and its programs, the Small Business Administration 50th Anniversary Reauthorization Act of 2003. However, the other body has been stalled for almost a year in its consideration of legislation to reauthorize the SBA.

In a highly competitive and dynamic economy, too much is at stake for small firms, and the economy as a whole, to let this legislation languish. With passage of a new multi-year reauthorization bill, we will ensure that the SBA is well-positioned to help small businesses. Clearly, this is not the time to delay legislation that directly benefits the backbone of our economy, and our hope for the future—the small firms that are most responsible for putting people to work.

With the close of the 108th Congress rapidly approaching, the time to act is now!

I urge my colleagues to support this bill for the benefit of small businesses, our economy, and our Nation.

By Mr. REID (for himself, Mr. BOND, and Mr. JEFFORDS):

S. 2822. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, just this week—and this is only Tuesday—the American Association of State Highway and Transportation Officials, known as AASHTO, which is comprised of the transportation leaders from the 50 States—the State of Missouri has a

director of the department of transportation, the State of Ohio has a director of the department of transportation, the State of Nevada does; their titles may vary a little bit, but that is their job; that is who this AASHTO is composed of, among others—they have called this week upon Congress to immediately pass a “well funded, six year reauthorization” of the Nation’s transportation program. I agree with them. But as you know, this program expired a year ago and the States have been operating under a series of short-term extensions. This has disrupted their construction programs, delayed safety improvements, and interrupted funding to transit operators.

The fact is, we are not going to have a 6-year reauthorization bill this year for a lot of reasons, not the least of which is that we passed, as the Presiding Officer knows, a bill that was advocated for and supported by the senior Senator from the State of Missouri, a bill that passed this House by a huge margin, a bill that created funding at a level of \$318 billion over the period of time of the bill. That bill did not increase the Federal deficit a skinny dime, not anything. It was a good bill, and we were stunned to learn that the President wanted a bill at a much lower level, some \$250-odd billion. Why? I have spoken to some of his closest friends around here, and they have not got a reason for that.

We have now some in this body who are bowing to pressure from the White House and are trying to write a bill at \$284 billion, which is \$28 billion more than what the President said he would agree to. Both of these are well below the spending limits called for by the U.S. Department of Transportation as to what they need, what their analysis is, and that which is sought by the entire transportation industry.

Not only do we have a resolution from AASHTO, the transportation directors, but we also have a letter from the United States Conference of Mayors which is quite clear and basically says the same thing. We also have a resolution from the Association of Metropolitan Planning Organizations.

In the absence of a well-funded, multiyear reauthorization bill, the Nation’s State transportation officials have called for at least a 6-month extension of the current program.

I ask unanimous consent that the resolution dated September 20, 2004, from the American Association of State Highway and Transportation Officials be printed in the RECORD, along with the documents I spoke of from the United States Conference of Mayors and the Association of Metropolitan Planning Organizations.

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

#### POLICY RESOLUTION PR-06-04

Whereas, rescission of previously apportioned contract authority has become commonplace in recent appropriations bills, and

Whereas, the Transportation Equity Act for the 21st Century, authorizing funding for

federal-aid highway, transit and highway transit safety programs, expired on September 30, 2003;

Whereas, the AASHTO Board of Directors passed a resolution on May 16, 2004 calling for prompt enactment of a well-funded, six-year reauthorization bill;

Whereas, the Congress has not yet passed a well funded, six-year reauthorization bill;

Whereas, further extensions are intolerable and have the following negative impacts on the Nation’s transportation system: Disruption to the construction program, adverse effects on transportation decision making, safety improvements delayed, funding disruptions to grant recipients;

Whereas, prompt enactment of such a bill before the adjournment of the 108th Congress remains the top priority of state departments of transportation: Now, therefore, be it

*Resolved*, if Congress determines that an extension is absolutely necessary, then it should be for six months to avoid a series of disruptive and harmful shorter term extensions; and be it further

*Resolved*, That such extension should provide for funding at levels higher than FY 2004; and be it further

*Resolved*, That immediate reauthorization of the highway and transit program at maximum funding levels is urgently needed and preferable to any extension; and be it further

*Resolved*, That a six-month extension of the federal-aid highway and transit programs should, to the maximum extent possible, apportion highway funds to the States through the existing core highway programs.

#### THE UNITED STATES CONFERENCE OF MAYORS,

Washington, DC, September 21, 2004.

Hon. DON YOUNG,

*Chair, Transportation and Infrastructure Committee, Rayburn House Office Building, House of Representatives, Washington, DC.*

Hon. JAMES OBERSTAR,

*Ranking Member, Transportation and Infrastructure Committee, Rayburn House Office Building, House of Representatives, Washington, DC.*

Hon. JAMES M. INHOFE,

*Chair, Environment and Public Works Committee, Dirksen Senate Office Building, U.S. Senate, Washington, DC.*

Hon. JAMES M. JEFFORDS,

*Ranking Member, Environment and Public Works Committee, Dirksen Senate Office Building, U.S. Senate, Washington, DC.*

DEAR CONFEREES: In August, The United States Conference of Mayors met in Chicago, Illinois for a special leadership meeting to release its updated 4-point policy agenda for keeping America Strong: Mayors ’04 Metro Agenda for America’s Cities.

A major cornerstone of that agenda is transportation investment of no less than \$318 billion over six years for the reauthorization of the nation’s surface transportation law (TEA-21) to build a 21st Century Transportation system with modern transit, bridges, large-scale transportation infrastructure projects, and metro highway systems with new technologies that link major metro areas, cut the time people spend in traffic, create more jobs, and move goods and services more productively.

Should Congress determine an extension is necessary to meet an investment of \$318 billion over six-years, the nation’s mayors urge the adoption of a simple extension of no less than six months avoiding disruption to the transportation program occurring under short-term extensions.

Maintaining the Conference’s support for a \$318 billion transportation bill requires continued balanced transportation investment in our metropolitan areas including:

#### PUBLIC TRANSPORTATION INVESTMENT

Recognizing that public transportation reduces congestion, the nation’s mayors urge no less than \$56.5 billion for public transportation to stimulate a dramatic expansion of high-capacity public transit systems, including light rail, heavy rail, commuter rail, and bus service.

Funding for the transit program from the general fund and the Mass Transit Account of the Highway Trust Fund should be guaranteed and we support maintaining current federal-local matching shares for the transit program as authorized under ISTEA and TEA-21.

Oppose efforts to increase funding for the highway program by reducing funding for the transit program by maintaining the 20% transit-80% highway share.

Support the historical funding allocation of 40% for rail modernization, 40% for the new starts program and 20% for the bus and bus facilities program as included in H.R. 3550.

Recognizing that cities throughout the United States are embracing less expensive, fixed guideway transit projects like streetcars, trolleys and bus rapid transit, we support the establishment of a new Small Starts Program with modified Federal rules to expedite these projects.

#### METROPOLITAN INFRASTRUCTURE INVESTMENT

Acknowledging that 32 percent of our major roads are in poor condition and 29 percent of the nation’s bridges are structurally deficient or functionally obsolete, we urge you to fund the core highway programs at no less than the \$261.5 billion identified in the Senate bill.

Recognizing that it is difficult for localities and states to dedicate adequate resources to build, rebuild, or repair large-scale infrastructure projects addressing freight and goods movement, safety, and aging and congested transportation infrastructure, we urge no less than \$6.6 billion for “Projects of National and Regional Significance.”

#### ENVIRONMENTAL INVESTMENT

The Congestion Mitigation and Air Quality Program (CMAQ) should be funded at the Senate’s \$13.4 billion level in response to the growing number of non-attainment areas designated under the 8-hour ozone and fine particulate matter standards.

Oppose efforts designed to divert CMAQ funds to other purposes, undermining commitments to metropolitan areas to fund the clean air mandate. Recognizing that metropolitan areas are struggling with the contamination of drinking water and the clean-up of streams, rivers, lakes and ponds from stormwater discharge, including oil, grease, lead and mercury, the nation’s mayors support the establishment of a Highway Stormwater Discharge Mitigation Program as designed in S. 1072.

#### SAFETY AND INCREASED PUBLIC INVESTMENT

Recognizing that safe routes for bicycles, walking and other non-motorized transportation choices are still inadequate in many metropolitan areas, the nation’s mayors support the Safe Routes to School program as designed and funded H.R. 3550 and also support maximum funding for Transportation Enhancements.

We urge you to support the metropolitan planning fund provision in the Senate bill that would increase the take down for metropolitan areas from 1 percent to 1.5 percent. We believe this adjustment will enhance clean air efforts, increase public involvement and will improve congestion relief efforts.



OPPOSE TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM PROVISION THAT PREEMPTS LOCAL AND STATE RIGHTS-OF-WAY AUTHORITY

We urge you to oppose the Transportation Technology Innovation and Demonstration Program provision in S. 1072 (Section 2105 (a)(5)) and H.R. 3550 (Section 5205 (g)(4)) that preempts a local or state government from enforcing its rights-of-way management rules on companies seeking to provide Intelligent Vehicle Highway Systems.

We urge you to respect the unimpeded right of local government as owners/trustees of the rights-of-way to manage their rights-of-way and to receive compensation, including collection of all costs, including recovery of reasonable rent, for the rights-of-way by companies seeking access to the rights-of-way to provide Intelligent Vehicle Highway Systems.

Transportation is a top priority for America's mayors. Transportation is an economic stimulus. It creates jobs and helps ensure that metropolitan economies thrive and in turn the nation's economy.

The United States Conference of Mayors would be pleased to supply additional information to further your assessment of these issues before the conference committee. With strong backing from mayors across the nation on these issues, we stand ready to work with you on the reauthorization of TEA-21.

Sincerely,

TOM COCHRAN,  
Executive Director.

RESOLUTION OF THE ASSOCIATION OF METROPOLITAN PLANNING ORGANIZATIONS TRANSPORTATION REAUTHORIZATION

Whereas, The Transportation Efficiency Act for the 21st Century, authorizing federal funding for highway and transit programs, expired on September 30, 2003; and

Whereas, the Congress has not yet passed a well-funded six-year reauthorization bill; and

Whereas, the last extension funds transportation projects through September 24, 2004, nearly the end of the federal fiscal year; and

Whereas, Metropolitan Planning Organizations (MPOs) develop their long range plans and Transportation Improvement Programs based on the expectation that predictable funding will be distributed for core programs, as has consistently been done in the first four TEA-21 extensions; and

Whereas, ongoing extensions impede quality planning; and

Whereas, after the 2000 census, 46 new MPOs were created without additional funds distributed to MPOs: Now, let it be

*Resolved* That the Association of Metropolitan Planning Organizations (AMPO) urges Congress to promptly pass either a multi-year fully funded bill or a one-year extension, bearing in mind the needs of MPOs; and be it further

*Resolved* That money in the extension should be distributed by formula to core programs and earmarks should be deferred until reauthorization legislation; and be it further

*Resolved*, That core program funding should be spent for its intended purpose and not flexed into other areas, particularly CMAQ and STP suballocated to TMAs; and be it further

*Resolved* That Congress and the Administration take corrective action in order to ensure that the calculation for the allocation of FHWA metropolitan planning (PL) funds and urban attributable suballocated funds includes the minimum guarantee amount for the FY 2005 apportionment, whether a multi-year bill or a one-year extension is passed.

Mr. REID. As this Congress draws to a close, there continue to be large ob-

stacles standing in the way of a well-funded, multiyear reauthorization. For this reason, I have joined with my friend and colleague Senator BOND in a bipartisan effort and have introduced this day a clean 6-month extension of the highway, transit, and highway safety programs. It certainly is my hope this would provide State and local officials with the predictability they need to effectively manage our transportation system.

I remain committed to working in a bipartisan way to achieve a successful reauthorization of the Nation's surface transportation laws. I hope we can move forward on this 6-month extension. It is important we do that. It is important we do it as quickly as possible. There is even some disagreement as to when the bill runs out, when we close down the Department of Transportation, whether it is this Friday or next Friday. The fact is, we have to do it very soon.

I appreciate the attention of Members.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2822

*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 "Surface Transportation Extension Act of 2004, Part VI".

**SEC. 2. ADVANCES.**

(a) IN GENERAL.—The Secretary of Transportation (referred to in this Act as the "Secretary") shall apportion funds made available under section 1101(c) of the Transportation Equity Act for the 21st Century (117 Stat. 1111; 118 Stat. 876), to each State in the ratio that—

(1) the State's total fiscal year 2004 obligation authority for funds apportioned for the Federal-aid highway program; bears to

(2) all States' total fiscal year 2004 obligation authority for funds apportioned for the Federal-aid highway program.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) PROGRAMS.—Of the funds to be apportioned to each State under subsection (a), the Secretary shall ensure that the State is apportioned an amount of the funds, determined under paragraph (2), for—

- (A) the interstate maintenance program;
- (B) the National Highway System program;
- (C) the bridge program;
- (D) the surface transportation program;
- (E) the congestion mitigation and air quality improvement program;
- (F) the recreational trails program;
- (G) the Appalachian development highway system program; and
- (H) the minimum guarantee.

(2) IN GENERAL.—The amount that each State shall be apportioned under this subsection for each item referred to in paragraph (1) shall be determined by multiplying—

- (A) the amount apportioned to the State under subsection (a); by
- (B) the ratio that—

(i) the amount of funds apportioned for the item to the State for fiscal year 2004; bears to

(ii) the total of the amount of funds apportioned for the items to the State for fiscal year 2004.

(3) ADMINISTRATION OF FUNDS.—Funds authorized by section 1101(l) of the Transportation Equity Act for the 21st Century (as added by subsection (d)) shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code; except that the deductions and set-asides in the following sections of such title shall not apply to such funds: sections 104(a)(1)(A), 104(a)(1)(B), 104(b)(1)(A), 104(d)(1), 104(d)(2), 104(f)(1), 104(h)(1), 118(c)(1), 140(b), 140(c), and 144(g)(1).

(4) SPECIAL RULES FOR MINIMUM GUARANTEE.—In carrying out the minimum guarantee under section 105(c) of title 23, United States Code, with funds apportioned under this section for the minimum guarantee, the \$2,800,000,000 set forth in paragraph (1) of such section 105(c) shall be treated as being \$1,400,000,000 and the aggregate of amounts apportioned to the States under this section for the minimum guarantee shall be treated, for purposes of such section 105(c), as amounts made available under section 105 of such title.

(5) EXTENSION OF OFF-SYSTEM BRIDGE SET-ASIDE.—Section 144(g)(3) of title 23, United States Code, is amended in the first sentence by inserting after "2004," the following: "and in the period of October 1, 2004, through March 31, 2005,".

(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

(1) IN GENERAL.—The Secretary shall reduce the amount that would be apportioned, but for this section, to a State for programs under chapter 1 of title 23, United States Code, for fiscal year 2005, under a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act by the amount that is apportioned to each State under subsection (a) and section 5(c) for each such program.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds apportioned under subsection (a) for a program category for which funds are not authorized under a law described in paragraph (1) may be restored to the Federal-aid highway program.

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101 of the Transportation Equity Act for the 21st Century (112 Stat. 111; 117 Stat. 1118) is amended by adding at the end the following:

"(1) ADVANCE AUTHORIZATION FOR FISCAL YEAR 2005.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 2(a) of the Surface Transportation Extension Act of 2004, Part VI \$18,080,500,000 for the period of October 1, 2004, through March 31, 2005.

"(2) SPECIAL RULE.—Funds apportioned under section 2(a) of the Surface Transportation Extension Act of 2004, Part VI shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

"(3) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code."

(e) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), for the period of October 1, 2004, through March 31, 2005, the Secretary shall allocate to each State for programs funded under this section and section 5(c) an amount of obligation authority made available under an Act making appropriations for the Department

of Transportation for fiscal year 2005 that is—

(A) equal to the greater of—

(i) the State's unobligated balance, as of October 1, 2004, of Federal-aid highway apportionments subject to any limitation on obligations, except that unobligated balances of contract authority from minimum guarantee and Appalachian development highway system apportionments for which obligation authority was made available until used shall not be included for purposes of calculating a State's unobligated balance of apportionments for this clause; or

(ii)  $\frac{1}{2}$  of the State's total fiscal year 2004 obligation authority for funds apportioned for the Federal-aid highway program; but

(B) not greater than 75 percent of the State's total fiscal year 2004 obligation authority for funds apportioned for the Federal-aid highway program.

(2) **LIMITATION ON AMOUNT.**—The total of all allocations under paragraph (1) and allocations, for programs funded under sections 4, 5 (other than subsection (c)), and 6(a) of this Act, of obligation authority made available under an Act making appropriations for the Department of Transportation for fiscal year 2005 shall not exceed \$17,450,000,000, except that this limitation shall not apply to \$319,500,000 in obligations for minimum guarantee for the period of October 1, 2004, through March 31, 2005.

(3) **TIME PERIOD FOR OBLIGATIONS OF FUNDS.**—No funds shall be obligated for any Federal-aid highway program project after March 31, 2005, until the date of enactment of a multiyear law reauthorizing the Federal-aid highway program that is enacted after the date of enactment of this Act.

(4) **TREATMENT OF OBLIGATIONS.**—Any obligation of an allocation of obligation authority made under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2005 for the purposes of the matter under the heading “(LIMITATION ON OBLIGATIONS)” under the heading “FEDERAL-AID HIGHWAYS” in an Act making appropriations for the Department of Transportation for fiscal year 2005.

### SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

(a) **IN GENERAL.**—In addition to any other authority of a State to transfer funds, for fiscal year 2005, a State may transfer any funds apportioned to the State for any program under section 104(b) (including amounts apportioned under section 104(b)(3) or set aside, made available, or suballocated under section 133(d)) or 144 of title 23, United States Code, before, on, or after the date of enactment of this Act, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) **TREATMENT OF TRANSFERRED FUNDS.**—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to a program under section 133 (other than subsections (d)(1) and (d)(2)) of title 23, United States Code, shall not be subject to section 133(d) of that title.

(c) **RESTORATION OF APPORTIONMENTS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) **PROGRAM CATEGORY RECONCILIATION.**—The Secretary may establish procedures

under which funds transferred under subsection (a) from a program category for which funds are not authorized may be restored to the Federal-aid highway program.

(3) **LIMITATION ON STATUTORY CONSTRUCTION.**—No provision of law, except a statute enacted after the date of enactment of this Act that expressly limits the application of this subsection, shall impair the authority of the Secretary to restore funds pursuant to this subsection.

(d) **GUIDANCE.**—The Secretary may issue guidance for use in carrying out this section.

### SEC. 4. ADMINISTRATIVE EXPENSES.

(a) **AUTHORIZATION OF CONTRACT AUTHORITY.**—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for administrative expenses of the Federal-aid highway program \$225,000,000 for fiscal year 2005.

(b) **CONTRACT AUTHORITY.**—Funds made available by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs, except that such funds shall remain available until expended.

### SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) **AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA21.**—

(1) **FEDERAL LANDS HIGHWAYS.**—

(A) **INDIAN RESERVATION ROADS.**—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 877) is amended—

(i) by inserting before the period at the end the following: “and \$137,500,000 for the period of October 1, 2004, through March 31, 2005”; and

(ii) by adding at the end the following: “The minimum amount made available for such period that the Secretary, in cooperation with the Secretary of the Interior, shall reserve for Indian reservation road bridges under section 202(d)(4) of title 23, United States Code, shall be \$6,500,000 instead of \$13,000,000.”

(B) **PUBLIC LANDS HIGHWAYS.**—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: “and \$123,000,000 for the period of October 1, 2004, through March 31, 2005”.

(C) **PARK ROADS AND PARKWAYS.**—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: “and \$82,500,000 for the period of October 1, 2004, through March 31, 2005”.

(D) **REFUGE ROADS.**—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: “and \$10,000,000 for the period of October 1, 2004, through March 31, 2005”.

(2) **NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.**—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: “and \$70,000,000 for the period of October 1, 2004, through March 31, 2005”.

(3) **CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.**—

(A) **IN GENERAL.**—Section 1101(a)(10) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: “and \$19,000,000 for the period of October 1, 2004, through March 31, 2005”.

(B) **SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.**—To carry out section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105

Stat. 2005; 118 Stat. 878), of funds made available by the amendment made by subparagraph (A)—

(i) \$5,000,000 shall be available for section 1064(d)(2) of such Act;

(ii) \$2,500,000 shall be available for section 1064(d)(3) of such Act; and

(iii) \$2,500,000 shall be available for section 1064(d)(4) of such Act.

(4) **NATIONAL SCENIC BYWAYS PROGRAM.**—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 878) is amended by striking “fiscal years 2003 and 2004” and inserting “fiscal year 2003, and \$13,750,000 for the period of October 1, 2004, through March 31, 2005”.

(5) **VALUE PRICING PILOT PROGRAM.**—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 878) is amended—

(A) by striking “and”; and

(B) by inserting before the period at the end the following: “, and \$5,500,000 for the period of October 1, 2004, through March 31, 2005”.

(6) **HIGHWAY USE TAX EVASION PROJECTS.**—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 878) is amended by inserting before the period at the end the following: “and \$2,500,000 for the period of October 1, 2004, through March 31, 2005”.

(7) **COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.**—

(A) **IN GENERAL.**—Section 1101(a)(15) of such Act (112 Stat. 113; 118 Stat. 878) is amended by inserting before the period at the end the following: “and \$55,000,000 for the period of October 1, 2004, through March 31, 2005”.

(B) **CONFORMING AMENDMENT.**—Section 1214(r)(1) of such Act (112 Stat. 209; 117 Stat. 1114) is amended by striking “2004” and inserting “2005”.

(8) **SAFETY GRANTS.**—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 879) is amended by inserting before the period at the end the following: “and \$250,000 for the period of October 1, 2004, through March 31, 2005”.

(9) **TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.**—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 879) is amended by inserting before the period at the end the following: “and \$12,500,000 for the period of October 1, 2004, through March 31, 2005”.

(10) **TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.**—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1)—

(i) by striking “and” at the end of subparagraph (E);

(ii) by striking the period at the end of subparagraph (F) and inserting “; and”; and

(iii) by adding at the end the following:

“(G) \$70,000,000 for the period of October 1, 2004, through March 31, 2005.”;

(B) in subsection (a)(2)—

(i) by striking “2003 and” and inserting “2003.”; and

(ii) by inserting after “2004” the following: “and \$1,000,000 for the period of October 1, 2004, through March 31, 2005”; and

(C) in subsection (c)—

(i) by striking “2004” and inserting “2005”; and

(ii) by striking the period at the end of the table and inserting the following:

“2005 .....	\$1,300,000,000.”.
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(b) **AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA21.**—

(1) **SURFACE TRANSPORTATION RESEARCH.**—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 879) is amended—

(A) by striking “2003, and” and inserting “2003.”; and

(B) by inserting after “2004” the following: “, and \$52,500,000 for the period of October 1, 2004, through March 31, 2005”.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 879) is amended—

(A) by striking “2003, and” and inserting “2003,”; and

(B) by inserting after “2004” the following: “, and \$27,500,000 for the period of October 1, 2004, through March 31, 2005”.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 879) is amended—

(A) by striking “2003, and” and inserting “2003,”; and

(B) by inserting after “2004” the following: “, and \$10,500,000 for the period of October 1, 2004, through March 31, 2005”.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 879) is amended by inserting before the period at the end the following: “, and \$15,500,000 for the period of October 1, 2004, through March 31, 2005”.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 879) is amended—

(A) by striking “2003, and” and inserting “2003,”; and

(B) by inserting after “2004” the following: “, and \$57,500,000 for the period of October 1, 2004, through March 31, 2005”.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 879) is amended—

(A) by striking “2003, and” and inserting “2003,”; and

(B) by inserting after “2004” the following: “, and \$62,000,000 for the period of October 1, 2004, through March 31, 2005”.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 880) is amended—

(A) by striking “2003, and” and inserting “2003,”; and

(B) by inserting after “2004” the following: “, and \$13,500,000 for the period of October 1, 2004, through March 31, 2005”.

(C) METROPOLITAN PLANNING.—

(1) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 134 of title 23, United States Code, \$120,000,000 for the period of October 1, 2004, through March 31, 2005.

(2) DISTRIBUTION OF FUNDS.—The Secretary shall distribute funds made available by this subsection to the States in accordance with section 104(f)(2) of title 23, United States Code.

(3) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1116; 118 Stat. 880) is amended by inserting after “2004” the following: “and \$18,200,000 for the period of October 1, 2004, through March 31, 2005”.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (117 Stat. 1116; 118 Stat. 880) is amended by inserting after “2004” the following: “and \$9,400,000 for the period of October 1, 2004, through March 31, 2005”.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (117 Stat. 1117; 118 Stat. 880) is amended by inserting after “2004” the following: “and \$250,000 for the period of October 1, 2004, through March 31, 2005”.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (117 Stat. 1117; 118 Stat. 880) is amended by inserting after “2004” the following: “and \$50,000,000 for the period of October 1, 2004, through March 31, 2005”.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (117 Stat. 1117; 118 Stat. 880) is amended by inserting after “2004” the following: “and \$50,000,000 for the period of October 1, 2004, through March 31, 2005”.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (117 Stat. 1117; 118 Stat. 880) is amended by inserting after “2004” the following: “and \$375,000 for the period of October 1, 2004, through March 31, 2005”.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (117 Stat. 1118; 118 Stat. 880) is amended—

(1) by inserting before “; except” the following: “and \$2,625,000 for the period of October 1, 2004, through March 31, 2005”; and

(2) by inserting before “for eligible” the following: “and not less than \$125,000 instead of \$250,000 shall be available for the period of October 1, 2004, through March 31, 2005”.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (117 Stat. 1118; 118 Stat. 880) is amended—

(1) in paragraph (1) by inserting after “2004” the following: “and \$5,000,000 for the period of October 1, 2004, through March 31, 2005”; and

(2) in paragraph (2) by inserting after “2004” the following: “and \$5,000,000 for the period of October 1, 2004, through March 31, 2005”.

(l) ADMINISTRATION OF FUNDS.—Funds authorized by the amendments made by this section shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code, except that the deductions under sections 104(a)(1)(A) and 104(a)(1)(B) of such title shall not apply to funds made available by the amendment made by subsection (a)(1) of this section.

(m) REDUCTION OF ALLOCATED PROGRAMS.—The Secretary shall reduce the amount that would be made available, but for this section, for fiscal year 2005 for allocation under a program, that is continued both by a multiyear law reauthorizing such program enacted after the date of enactment of this Act and by this section, by the amount made available for such program by this section.

(n) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds allocated under this section for fiscal year 2005 for a program category for which funds are not authorized for fiscal year 2005 under a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act may be restored to the Federal-aid highway program.

#### SEC. 6. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 117 Stat. 1119) is amended by striking “2004.” and inserting “2004, and \$82,500,000 for the period October 1, 2004, through March 31, 2005.”.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat. 1119) is amended by striking “2004” and inserting “2004, and \$36,000,000 for the period October 1, 2004, through March 31, 2005”.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat. 1120) is amended by inserting “and \$10,000,000 for the period October 1, 2004, through March 31, 2005” after “fiscal year 2004”.

(d) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 117 Stat. 1120) is amended by “and \$20,000,000 for the period October 1, 2004, through March 31, 2005” after “fiscal year 2004”.

(e) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120) is amended by inserting “and \$2,000,000 for the period October 1, 2004, through March 31, 2005” after “fiscal year 2004”.

#### SEC. 7. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1120) is amended by inserting “and \$130,000,000 for the period October 1, 2004, through March 31, 2005” after “fiscal year 2004”.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a) of title 49, United States Code, is amended by adding at the end the following:

“(8) Not more than \$84,500,000 for the period October 1, 2004, through March 31, 2005.”.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a) of such title is amended by adding at the end the following:

“(6) \$9,500,000 for the period October 1, 2004, through March 31, 2005.”.

(2) EMERGENCY CDL GRANTS.—Section 7(c) of the Surface Transportation Extension Act of 2003 (117 Stat. 1121) is amended by inserting “and up to \$500,000 for the period October 1, 2004, through March 31, 2005,” after “\$1,000,000”.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act is amended by inserting “and up to \$500,000 for the period October 1, 2004, through March 31, 2005,” after “fiscal year 2004”.

#### SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by adding at the end the following: “and for the period of October 1, 2004 through March 31, 2005,”;

(2) in paragraph (2)(B), by inserting at the end the following:

“(iii) OCTOBER 1, 2004 THROUGH MARCH 31, 2005.—Of the amounts made available under paragraph (1)(B), \$5,200,000 shall be available for the period of October 1, 2004, through March 31, 2005, for capital projects described in clause (i).”;

(3) in paragraph (3)(B), by striking “2004” and inserting “2004 (and \$1,500,000 shall be available for the period October 1, 2004, through March 31, 2005)”; and

(4) in paragraph (3)(C), by inserting after “2004” the following: “(and \$25,000,000 shall be available for the period October 1, 2004, through March 31, 2005)”.

(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—The Secretary of Transportation shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under section 5337 of title 49, United States Code, on a pro rata basis to reflect the partial fiscal year 2005 funding made available by subparagraphs (A)(vii) and (B)(vii) of section 5338(b)(2) of such title.

(c) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by inserting “AND FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31, 2005” after “2004”; and

(2) in subparagraph (A)—

(A) in clause (v), by striking “and” at the end;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(vii) \$1,747,128,500 for the period of October 1, 2004, through March 31, 2005.”;

(1) in subparagraph (B)—

(A) in clause (v), by striking “and” at the end;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(vii) \$256,459,000 for the period of October 1, 2004, through March 31, 2005.”; and

(1) in subparagraph (C), by striking “2003” and inserting “2004 (other than for the period of October 1, 2004 through March 31, 2005)”.

(d) ALLOCATION OF FORMULA GRANT FUNDS FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31, 2005.—Of the aggregate of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code, for the period of October 1, 2004 through March 31, 2005—

“(1) \$2,424,975 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;

“(2) \$25,000,000 shall be available to carry out section 5308 of such title;

“(3) \$47,344,500 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;

“(4) \$125,660,195 shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title; and

“(5) \$1,799,682,829 shall be available to provide financial assistance for urbanized areas under section 5307 of such title.”.

(e) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by adding after “2004” the following: “AND FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31, 2005”;

(2) in subparagraph (A)—

(A) in clause (v), by striking “and” at the end;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(vii) \$1,488,427,500 for the period of October 1, 2004, through March 31, 2005.”; and

(2) in subparagraph (B)—

(A) in clause (v), by striking “and” at the end;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(vii) \$218,485,000 for the period of October 1, 2004, through March 31, 2005.”.

(f) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by inserting after “2004” the following: “AND FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31, 2005”;

(2) in subparagraph (A)—

(A) in clause (v), by striking “and” at the end;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(vii) \$31,828,000 for the period of October 1, 2004, through March 31, 2005.”;

(1) in subparagraph (B)—

(A) in clause (v), by striking “and” at the end;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(vii) \$4,672,000 for the period of October 1, 2004, through March 31, 2005.”; and

(1) in subparagraph (C), by inserting “or any portion of a fiscal year” after “fiscal year”.

(g) RESEARCH.—Section 5338(d)(2) of such title is amended—

(1) in the paragraph heading by inserting after “2004” the following: “AND FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31, 2005”;

(2) in subparagraph (A)—

(A) in clause (v), by striking “and” at the end;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(vii) \$23,980,000 for the period of October 1, 2004, through March 31, 2005.”;

(1) in subparagraph (B)—

(A) in clause (v), by striking “and” at the end;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(vii) \$3,520,000 for the period of October 1, 2004, through March 31, 2005.”; and

(1) in subparagraph (C), by inserting “other than for the period from October 1, 2004 through March 31, 2005” after “fiscal year”.

(h) ALLOCATION OF RESEARCH FUNDS FOR THE PERIOD FROM OCTOBER 1, 2004 THROUGH MARCH 31, 2005.—Of the funds made available by or appropriated under section 5338(d)(2) of title 49, United States Code, for the period of October 1, 2004 through March 31, 2005—

(1) not less than \$2,625,000 shall be available for providing rural transportation assistance under section 5311(b)(2) of such title;

(2) not less than \$4,125,000 shall be available for carrying out transit cooperative research programs under section 5313(a) of such title;

(3) not less than \$2,000,000 shall be available to carry out programs under the National Transit Institute under section 5315 of such title, including not more than \$500,000 shall be available to carry out section 5315(a)(16) of such title; and

(4) the remainder shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322 of such title.

(i) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by adding after “2004” the following: “AND FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31, 2005”;

(2) in subparagraph (A), by inserting “and \$2,616,000 for the period from October 1, 2004 through March 31, 2005” after “2004”;

(3) in subparagraph (B), by inserting “and \$384,000 for the period from October 1, 2004 through March 31, 2005” after “2004”; and

(4) in subparagraph (C)—

(A) in clause (i), by inserting “(other than for the period of October 1, 2004 through March 31, 2005)” after “fiscal year”; and

(B) in clause (iii), by inserting “(other than for the period of October 1, 2004 through March 31, 2005)” after “fiscal year”.

(j) UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Of the amounts made available under section 5338(e)(2)(A) of title 49, United States Code, for the period October 1, 2004 through March 31, 2005—

(A) \$1,000,000 shall be available for the center identified in section 5505(j)(4)(A) of such title; and

(B) \$1,000,000 shall be available for the center identified in section 5505(j)(4)(F) of such title.

(2) TRAINING AND CURRICULUM DEVELOPMENT.—Notwithstanding section 5338(e)(2) of title 49, United States Code, any amounts made available under such section for such period that remain after distribution under

paragraph (1) shall be available for the purposes identified in section 3015(d) of the Federal Transit Act of 1998 (112 Stat. 857).

(3) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Federal Transit Act of 1998 (112 Stat. 857) is amended by inserting “or in the period October 1, 2004 through March 31, 2005” after “2004”.

(k) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by inserting after “2004” the following: “AND FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31, 2005”;

(2) in subparagraph (A)—

(A) in clause (v), by striking “and” at the end;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(vii) \$34,008,000 for the period of October 1, 2004, through March 31, 2005.”;

(2) in subparagraph (B)—

(A) in clause (v), by striking “and” at the end;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(vii) \$4,992,000 for the period of October 1, 2004, through March 31, 2005.”.

(l) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Federal Transit Act of 1998 (49 U.S.C. 5309 note) is amended—

(1) in paragraph (1)(A)—

(A) in clause (v), by striking “and” at the end;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(vii) \$54,500,000 for the period of October 1, 2004 through March 31, 2005.”;

(2) in paragraph (1)(B)—

(A) in clause (v), by striking “and” at the end;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(vii) \$8,000,000 for the period of October 1, 2004 through March 31, 2005.”; and

(3) in paragraph (2), by inserting before the period at the end the following: “, except that in the period of October 1, 2004 through March 31, 2005, not more than \$5,000,000 shall be used for such projects”.

(m) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Federal Transit Act of 1998 (49 U.S.C. 5310 note) is amended—

(1) in paragraph (1), by adding at the end the following:

“(G) \$2,625,000 for the period of October 1, 2004 through March 31, 2005.”; and

(2) in paragraph (2), by inserting “(and \$850,000 shall be available for the period of October 1, 2004, through March 31, 2005)” after “2004”.

(n) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading, by inserting “AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MARCH 31, 2005” after “2004”; and

(2) in subparagraph (A), by inserting “and for the period of October 1, 2004, through March 31, 2005” after “2004”.

(o) OBLIGATION CEILING.—Section 3040 of the Federal Transit Act of 1998 (112 Stat. 394; 118 Stat. 708) is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(7) \$3,879,000,000 for the period of October 1, 2004, through March 31, 2005.”.

(p) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Federal

Transit Act of 1998 (112 Stat. 361; 118 Stat. 885) is amended by inserting “(or, in the case of the period of October 1, 2004, through March 31, 2005, \$2,425,000) after “\$4,850,000”.

(q) **ADVANCED TECHNOLOGY PILOT PROJECT.**—Section 3015(c)(2) of the Federal Transit Act of 1998 (49 U.S.C. 322 note; 118 Stat. 885) is amended—

(1) by inserting “, and \$2,500,000 for the period of October 1, 2004, through March 31, 2005,” after “per fiscal year”.

(r) **PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.**—Section 3030 of the Federal Transit Act of 1998 (112 Stat. 373; 118 Stat. 885) is amended by inserting “and for the period of October 1, 2004, through March 31, 2005,” after “2004” each place it appears.

(s) **NEW JERSEY URBAN CORE PROJECT.**—Section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 885) is amended by inserting “and for the period of October 1, 2004, through March 31, 2005, after “2004” each place it appears.

(t) **TREATMENT OF FUNDS.**—Section 8(t) of the Surface Transportation Extension Act of 2003 is amended—

(1) in paragraph (1), by striking “and by section 7 of the Surface Transportation Extension Act of 2004, Part IV” and inserting “by section 7 of the Surface Transportation Extension Act of 2004, Part IV, and by section 8 of the Surface Transportation Extension Act of 2004, Part VI”; and

(2) in paragraph (2), by inserting “for fiscal year 2004” after “section”.

(u) **LOCAL SHARE.**—Section 3011(a) of the Federal Transit Act of 1998 (49 U.S.C. 5307 note; 118 Stat. 886) is amended by inserting “and for the period of October 1, 2004, through March 31, 2005” after “2004”.

#### **SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.**

(a) **HIGHWAY TRUST FUND.**—

(1) **IN GENERAL.**—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking “October 1, 2004” and inserting “April 1, 2005”;

(B) by striking “or” at the end of subparagraph (J),

(C) by striking the period at the end of subparagraph (K) and inserting “, or”;

(D) by inserting after subparagraph (K) the following new subparagraph:

“(L) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2004, Part VI.”; and

(E) in the matter after subparagraph (L), as added by this paragraph, by striking “Surface Transportation Extension Act of 2004, Part V” and inserting “Surface Transportation Extension Act of 2004, Part VI”.

(2) **MASS TRANSIT ACCOUNT.**—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking “October 1, 2004” and inserting “April 1, 2005”;

(B) in subparagraph (H), by striking “or” at the end of such subparagraph,

(C) in subparagraph (I), by inserting “or” at the end of such subparagraph,

(D) by inserting after subparagraph (I) the following new subparagraph:

“(J) the Surface Transportation Extension Act of 2004, Part VI.”; and

(E) in the matter after subparagraph (J), as added by this paragraph, by striking “Surface Transportation Extension Act of 2004, Part V” and inserting “Surface Transportation Extension Act of 2004, Part VI”.

(b) **AQUATIC RESOURCES TRUST FUND.**—

(1) **SPORT FISH RESTORATION ACCOUNT.**—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by

striking “Surface Transportation Extension Act of 2004, Part V” each place it appears and inserting “Surface Transportation Extension Act of 2004, Part VI”.

(2) **BOAT SAFETY ACCOUNT.**—Subsection (c) of section 9504 of such Code is amended—

(A) by striking “October 1, 2004” and inserting “April 1, 2005”; and

(B) by striking “Surface Transportation Extension Act of 2004, Part V” and inserting “Surface Transportation Extension Act of 2004, Part VI”.

(3) **EXCEPTION TO LIMITATION ON TRANSFERS.**—Paragraph (2) of section 9504(d) of such Code is amended by striking “October 1, 2004” and inserting “April 1, 2005”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) **TEMPORARY RULE REGARDING ADJUSTMENTS.**—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on March 31, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

#### **SUBMITTED RESOLUTIONS**

##### **SENATE RESOLUTION 430—DESIGNATING NOVEMBER 2004 AS “NATIONAL RUNAWAY PREVENTION MONTH”**

Mr. HATCH (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 430

Whereas the prevalence of runaway and homeless youth in the United States is staggering, with studies suggesting that between 1,600,000 and 2,800,000 young people live on the streets of the United States each year;

Whereas running away from home is widespread, with 1 out of every 7 children in the United States running away before the age of 18;

Whereas youth that end up on the streets are often those who have been thrown out of their homes by their families, who have been physically, sexually, and emotionally abused at home, who have been discharged by State custodial systems without adequate transition plans, who have lost their parents through death or divorce, and who are too poor to secure their own basic needs;

Whereas effective programs supporting runaway youth and assisting young people in remaining at home with their families succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing young people from running away and supporting youth in high-risk situations is a family, community, and national responsibility;

Whereas the future well-being of the Nation is dependent on the value placed on young people and the opportunities provided for youth to acquire the knowledge, skills, and abilities necessary to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth and provide an array of community-based support services that address the critical needs of such youth;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youth to their families and to link young people to local resources that provide positive alternatives to running away; and

Whereas the National Network for Youth and the National Runaway Switchboard are co-sponsoring National Runaway Prevention Month to increase public awareness of the life circumstances of youth in high-risk situations and the need for safe, healthy, and productive alternatives, resources, and supports for youth, families, and communities: Now, therefore, be it

*Resolved*, That the Senate designates November 2004 as “National Runaway Prevention Month”.

##### **SENATE RESOLUTION 431—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED NATIONS SECURITY COUNCIL SHOULD IMMEDIATELY CONSIDER AND TAKE APPROPRIATE ACTIONS TO RESPOND TO THE GROWING THREATS POSED BY CONDITIONS IN BURMA UNDER THE ILLEGITIMATE RULE OF THE STATE PEACE AND DEVELOPMENT COUNCIL**

Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. FEINGOLD, Mrs. DOLE, Ms. MIKULSKI, Mr. BROWNBACK, Mr. LEAHY, Mr. LUGAR, and Mr. CORZINE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

Whereas the National League for Democracy, headed by Daw Aung San Suu Kyi, is the legitimately elected political leadership in Burma;

Whereas the ruling State Peace and Development Council, headed by General Than Shwe, and its affiliated organizations continue, through a variety of means, to violate the human rights and dignity of the people of Burma through murder, torture, rape, forced relocation, the employment of child soldiers, the use of forced labor, and the exploitation of child laborers;

Whereas the State Peace and Development Council has detained over 1,300 prisoners of conscience, including National League for Democracy leaders and supporters of democracy;

Whereas, under the repressive rule of the State Peace and Development Council, the situation in Burma poses an immediate and growing threat to the Southeast Asia region, including through the unchecked spread of HIV/AIDS, the illicit production of, and trafficking in, narcotics, trafficking in persons, and alleged efforts to purchase weapons from North Korea, China, and Russia;

Whereas, at the 58th session of the United Nations General Assembly, a resolution was adopted by the General Assembly that expresses grave concern about the ongoing systematic violations of human rights inflicted upon the people of Burma and calls on the

State Peace and Development Council to release all political prisoners, respect the results of the national elections in 1990, and restore democracy to Burma; and

Whereas the National League for Democracy has called upon the United Nations Security Council to intervene on behalf of the people of Burma: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the United Nations Security Council should immediately consider and take appropriate actions to respond to the growing threats posed to the Southeast Asia region by conditions in Burma under the illegitimate rule of the State Peace and Development Council, including the threats posed by widespread human rights violations, the unchecked spread of HIV/AIDS, the illicit production of, and trafficking in, narcotics, trafficking in persons, and alleged efforts by the State Peace and Development Council to purchase weapons from North Korea, China, and Russia.

Mr. McCONNELL. Mr. President, today I submit, along with some fellow members of the unofficial, bipartisan Senate Burma Caucus, a resolution expressing the sense of the Senate that the United Nations Security Council should immediately consider and take appropriate actions to respond to the growing threats posed by the State Peace and Development Council (SPDC) in Burma to its immediate neighbors and the entire region.

What are these threats? The unchecked spread of HIV/AIDS that is further aggravated by the SPDC's use of rape as a weapon of war against the people of Burma, particularly ethnic women and girls; the illicit production and trafficking in narcotics, which destroys the lives of Asian youth and families; trafficking in persons and brutal crackdowns on ethnic minorities that create significant populations of internally displaced persons and refugees; alleged efforts to purchase weapons from North Korea, the People's Republic of China and Russia.

For the past decade, we have known that the SPDC poses a clear and present danger to the people of Burma, including democracy leader and Nobel Peace Prize recipient Daw Aung San Suu Kyi, and other senior members of the National League for Democracy (NLD). Resolutions, statements and reports by the U.S. State Department, the United Nations, the European Nation (E.U.), and human rights organizations have repeatedly documented and condemned brutal human rights violations committed with impunity by the SPDC.

Today, there is no question that Burma's myriad problems are no longer the internal affair of a handful of psychopathic generals in Rangoon.

Last May, the NLD called upon the U.N. Security Council to intervene.

Secretary-General Kofi Annan, the United Kingdom, and the Administration, who are scheduled to take over chairmanship of the Council in October and November, respectively should heed their call.

In Burma, time now favors the democrats. With the international community's continued vigilance, appropriate

pressure can be placed on the SPDC before they assume chairmanship of the ASEAN in 2006 to secure a meaningful path toward reconciliation that includes the full and unfettered participation of the NLD. If the Security Council takes up the matter of Burma, significant strides will be made toward democracy and justice in that country.

It is an understatement to say that I am disappointed with the E.U.'s decision to allow "low level" participation by the SPDC in the upcoming ASEM meeting in Hanoi, Vietnam. Such action serves only to prolong the suffering of the Burmese people, including the hundreds currently languishing in prisons for peacefully championing the principles of freedom and justice, and the three NLD youths recently arrested for the "heinous" crime of gathering signatures on a petition calling for Suu Kyi's release from house arrest.

With France, Spain and Portugal reportedly clamoring to derail the toughening of sanctions against Burma, it is only fair to ask: When will they act to support the democrats of Burma?

It is time the world's democracies make 2006 the "Year of Democracy" in Burma.

I want to recognize Senators FEINSTEIN, MCCAIN, MIKULSKI, FEINGOLD, LEAHY, and DOLE for their support of the resolution, and freedom and justice in Burma.

I ask unanimous consent that an article by William Ashton that appeared in the *Irrawaddy* on the SPDC's efforts to procure weapons be printed in the RECORD.

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

#### THE ARMS KEEP COMING—BUT WHO PAYS?

(By William Ashton)

Burma's ruling State Peace and Development Council, or SPDC, has been at pains over recent months to tell the international community that it is devoting a considerable effort to implementing a new "road map" to multi-party democracy and introducing measures for a more open economy. The military government has also claimed major advances in promoting education and public health, and in developing the country's civil infrastructure.

The Rangoon regime can certainly point to an increase in diplomatic activity, and show visitors to Burma many new roads, buildings and dams. However, the SPDC's statements continue to ignore the fact that, for the past 15 years, a large proportion of its central budget—probably between 35 and 45 per cent each year—has been allocated to the armed forces, or Tatmadaw. This does not include significant allocations to the defense sector from off-budget sources and unofficial payments that never appear in the national accounts. Also, while an increasing proportion of Burma's annual defense expenditure is now used to pay for recurring personnel and maintenance costs, a high percentage is still devoted to the acquisition of new arms and equipment from abroad.

#### CONTINUED MILITARY EXPANSION

When the armed forces took back direct political power in 1988, they launched an ambitious defense expansion and modernization program. Since then, the regime has consist-

ently spent a greater proportion of central government outlays on defense than any other country in the Asia-Pacific region. The Burmese armed forces have doubled in size, making them the second largest in Southeast Asia and, by some calculations, the 15th largest in the world. New command and control structures have been put in place, and capabilities in key support areas like intelligence, communications and logistics have been substantially upgraded. The country's military infrastructure has also been improved. In addition, the Burma Army has acquired a wide range of tracked and wheeled armor, towed and self-propelled artillery, air defense weapons, transport, small arms and communications equipment. The air force has taken delivery of more than 150 helicopters, fighters, ground attack, transport and training aircraft. The Burma Navy too has expanded dramatically, with new corvettes, missile patrol boats, offshore patrol vessels and riverine craft.

Given its enormous expansion since 1988, the massive influx of arms and equipment since then, and the difficulties of keeping its current inventory fully operational, it might be expected that the Tatmadaw's acquisition programs would now be slowing down. Yet, over the past 18 months, there has been clear evidence that the Rangoon regime continues to give its highest priority to the development of Burma's military capabilities.

While some of the SPDC's more ambitious projects, such as the planned acquisition of strategic weapon systems, have reportedly been shelved for the time being, other major contracts have gone ahead. China remains Burma's principal source of military technology but, despite an arms embargo imposed by its traditional suppliers, the regime has managed to find a number of new vendors.

#### ARMS DELIVERIES

A survey of arms deals with Burma over the past 18 months has revealed the following:

##### CHINA

Rangoon is locked into a continuing close logistical relationship with Beijing, due to the need to maintain all the arms and military equipment purchased from China, at an estimated cost of billions of dollars, since 1988. However, the SPDC is interested in acquiring even more arms, and new weapons and consignments of materiel continue to be delivered. There have been reports of 200 heavy-duty trucks crossing the China-Burma border, and of shipments of unspecified "air force weapons", multiple rocket launchers and possibly artillery. There were also reports in March 2004 that the Burma Army was negotiating yet another arms deal with China, this time to buy obsolescent weapons being phased out by the People's Liberation Army. In addition, there have long been rumors that Burma has been negotiating with China for the purchase of combat helicopters, minesweepers, anti-ship missiles and sea mines.

##### NORTH KOREA

Rangoon's developing relationship with Pyongyang has gone well beyond the small arms ammunition purchased in 1990, and the sixteen 130mm artillery pieces acquired by the SPDC in 1998. For example, in 2003 a team of North Korean technicians was sent to Rangoon to install surface-to-surface missiles on some new Burma Navy vessels. In addition, discussions have taken place between Rangoon and Pyongyang over the purchase of a small submarine, and possibly even a number of SCUD short-range ballistic missiles. Late last year there were even suggestions that North Korea was assisting Burma with the construction of a nuclear reactor, raising the specter of the Rangoon regime one day acquiring a nuclear weapon.



## INDIA

As part of a renewed effort to get closer to Burma, India has provided the Tatmadaw with a range of weapons, ammunition and equipment. In May 2003 the Indian Defense Ministry confirmed that it had sold the Tatmadaw eighty 75mm howitzers (or "mountain guns"). Also, India has reportedly sold mortar and artillery ammunition to Rangoon, and advanced communications equipment. A Burmese military delegation visiting India in early 2004 said that the Tatmadaw welcomed further arms deals. The Indian Defense Minister has stated that New Delhi is keen to sell Burma naval vessels. A demonstration by Indian combat aircraft in Burma this year prompted speculation about future sales to the Burma Air Force.

## UKRAINE

The Russian language press stated in late 2002 that the Ukraine had contracted to provide Burma with some 36D6 radar systems. In mid-2003 it was reported that the Ukraine had sold the Tatmadaw 50 T-72 main battle tanks. In February 2004, a Ukrainian-flagged ship made a secret delivery to Rangoon, probably of air defense weapons. Also, in May 2003, one of the Ukraine's leading arms exporters signed a contract with Burma worth US \$500 million, to provide the Rangoon regime with components for 1,000 BTR-3U light armored personnel carriers. Over the next ten years these vehicles will be supplied in parts, and assembled in a new, purpose-built factory in Burma. More arms deals between Rangoon and Kiev are likely.

## SERBIA

In December 2003, Serbian language sources claimed that Rangoon had contracted with Belgrade to buy a number of "Nora" self-propelled howitzers. The cost of these weapons, which are marketed by Jugimport-SDPR, is unknown. In addition, in March 2004 about 30 Serbian engineers arrived in Burma to repair and upgrade the Burma Air Force's 12 Soko G-4 jets, which were purchased from the Republic of Yugoslavia in the 1990s. These aircraft have been grounded for several years, due largely to a lack of spare parts.

## RUSSIA

In late 2002 the SPDC purchased eight MiG-29B-12 air superiority combat aircraft and two dual-seat MiG-29UB trainers from Russia, at a reported cost of about US \$130 million. All these aircraft were delivered to Burma by the end of 2003. In addition, in July 2002 Rangoon signed a contract with the Russian Ministry of Atomic Energy (Minatom) for the construction of a nuclear reactor in Burma. While the project has encountered major problems, probably due to its cost, it may still go ahead. It is likely that the shipments of Russian military equipment detected in southern Burma in April 2003, which were thought to be components for the reactor, were in fact deliveries of a new communications system.

## SLOVAKIA

According to a news report dated October 2003, the Unipex Company of Slovakia is currently being investigated for taking part in the illegal export to Burma of machines for the manufacture of "artillery grenades" (possibly rocket propelled grenades).

It is likely that other contracts have been signed but not yet been made public. The frequent visits to Rangoon of North Korean and Ukrainian cargo vessels over the past 18 months, and the measures taken to hide the nature of their cargoes, strongly suggests that other deliveries of arms and equipment have occurred. Several eastern European countries are keen to sell arms to Burma. Also, countries like Singapore, Pakistan and

Israel maintain close links with Rangoon. All have weapon systems that are on the Tatmadaw's wish list. In the past, these factors have often led to substantial sales of weapons, military equipment and dual use goods to Burma, and related training contracts.

## PAYING THE BILL

In considering the financial implications of these sales, several factors need to be borne in mind. Not only does the regime need to cover the initial purchase price of these arms, but it faces the continuing costs of keeping them serviceable, providing facilities to house them, buying spare parts to maintain them and training people to repair and use them. The latter often includes sending selected military personnel overseas for specialized training, and in a few cases supporting foreign experts resident in country. Some of these costs can be paid in local currency, but they still constitute a heavy drain on Burma's precious foreign exchange reserves. The regime is still able to earn hard currency through the export of gas, gems, timber, agricultural produce and other natural resources, but its economy is facing major problems. These have not been helped by the new sanctions imposed by the U.S. in June 2003, after a government mob violently attacked democratic opposition leader Aung San Suu Kyi.

In the past, some of these costs have been met through trade deals, under which Burma has paid for part of its contracts with primary goods like rice and teak. North Korea and Russia, for example, have accepted such commodities in part payment for arms and military equipment. Even the Russian nuclear reactor could be paid for in part through barter arrangements. Also, for strategic and other reasons, some arms suppliers have been very generous in their terms. For example, China has repeatedly offered the Rangoon regime special "friendship prices" for arms, and overlooked deadlines for the repayment of loans. The Ukrainian firm selling Burma APCs has probably provided vendor financing of some kind.

Even so, given the regime's current debts, its continuing need for foreign logistical support, and its latest acquisitions, the investment required now and in the future will be huge for a country like Burma. These costs must inevitably be carried at the expense of other sectors of the government that are desperate for scarce resources.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for a resolution submitted yesterday by Senator MCCONNELL and myself that urges the United Nations Security Council to respond to the growing threats posed to the Southeast Asia region by conditions in Burma under the rule of the State Peace and Development Council (SPDC).

I have been proud to work with Senator MCCONNELL to raise awareness about the situation in Burma and to put pressure on the SPDC to respect the wishes of the Burmese people, restore democracy, and release from house arrest the leader of the National League for Democracy and Nobel Peace Prize winner, Aung San Suu Kyi. Congress has acted decisively in support of these efforts by passing the Burmese Freedom and Democracy Act of 2003 to impose a complete ban on Burmese imports for one year and renewing that ban this past July.

There is still much work to be done. The threat posed by the military junta

goes beyond Burma's borders and extends to the entire Southeast Asia region. The SPDC has committed numerous human rights abuses and detained over 1,300 political prisoners. It has allowed the spread of HIV/AIDS to go unchecked. It has engaged in the illicit production and trafficking of narcotics. It has engaged in the trafficking of human beings. It has attempted to purchase weapons from North Korea, China, and Russia.

The international community simply cannot afford to ignore these threats any longer. Inaction will only strengthen the regime in Rangoon and foster greater instability in the Southeast Asia region. This resolution simply encourages the United Nations Security Council to consider the situation in Burma carefully and take appropriate action.

While I am proud that the United States has acted in support of freedom and democracy in Burma, we need the help of our friends and allies to put pressure on the SPDC to change its behavior and respect the wishes of the Burmese people and the international community. I urge my colleagues to support the resolution.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3664. Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill S. 2666, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes.

SA 3665. Mr. CAMPBELL proposed an amendment to the bill S. 2666, supra.

SA 3666. Mr. CAMPBELL (for Mr. STEVENS (for himself and Mr. DURBIN)) proposed an amendment to the bill S. 2666, supra.

SA 3667. Mr. CAMPBELL (for Mr. DURBIN) proposed an amendment to the bill S. 2666, supra.

SA 3668. Mr. LUGAR (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 2781, to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes; which was referred to the Committee on Foreign Relations.

SA 3669. Mr. MCCONNELL (for Mr. HOLLINGS (for himself and Mr. MCCAIN)) proposed an amendment to the bill S. 2279, to amend title 46, United States Code, with respect to maritime transportation security, and for other purposes.

## TEXT OF AMENDMENTS

SA 3664. Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill S. 2666, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 21, strike lines 13 and 14 and insert "approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives."

SA 3665. Mr. CAMPBELL proposed an amendment to the bill S. 2666, making

appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 22, lines 23 and 24, strike “With respect to claims within the jurisdiction of the Senate” and insert “With respect to any claim of a Senator or an employee whose pay is disbursed by the Secretary of the Senate”.

**SA 3666.** Mr. CAMPBELL (for Mr. STEVENS (for himself and Mr. DURBIN)) proposed an amendment to the bill S. 2666, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 42, between lines 14 and 15, insert the following:

#### ADMINISTRATIVE PROVISION

#### SEC. 1501. EXPANSION OF OPEN WORLD LEADERSHIP COUNTRIES.

Section 313(j) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(j)) is amended—

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

(2) in paragraph (2), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(3) any other country that is designated by the Board, except that the Board shall notify the Committees on Appropriations of the Senate and the House of Representatives of the designation at least 90 days before the designation is to take effect.”.

**SA 3667.** Mr. CAMPBELL (for Mr. DURBIN) proposed an amendment to the bill S. 2666, making appropriations for the Legislative branch for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 26, line 18, strike “\$74,558,000” and insert “\$74,063,000”.

On page 48, between lines 10 and 11, insert the following:

#### SEC. 211. COMMISSION ON THE ABRAHAM LINCOLN STUDY ABROAD FELLOWSHIP PROGRAM.

(a) APPROPRIATION.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, \$495,000, for the Commission on the Abraham Lincoln Study Abroad Fellowship Program established under section 104 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 435).

(b) EXTENSION OF REPORT AND TERMINATION DATES.—Section 104 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 435) is amended—

(1) in subsection (f), by striking “December 1, 2004” and inserting “December 1, 2005”; and

(2) in subsection (g), by striking “December 31, 2004” and inserting “December 31, 2005”.

**SA 3668.** Mr. LUGAR (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 2781, to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes; which was referred to the Committee on Foreign Relations; as follows:

Strike all after the enacting clause, and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Comprehensive Peace in Sudan Act of 2004”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) JEM.—The term “JEM” means the Justice and Equality Movement.

(3) SLA.—The term “SLA” means the Sudanese Liberation Army.

(4) SPLM.—The term “SPLM” means the Sudan People's Liberation Movement.

#### SEC. 3. FINDINGS.

Congress makes the following findings:

(1) A comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act (50 U.S.C. 1701 note), and in the Machakos Protocol of 2002, is in jeopardy.

(2) Since 1989, the Government of Sudan has repeatedly engaged in and sponsored orchestrated campaigns of attacking and displacing targeted civilian populations, disrupting their ability to sustain themselves, and subsequently restricting assistance to those displaced in a coordinated policy of ethnic cleansing that is most recently evident in the Darfur region of Sudan.

(3) In response to 2 decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004.

(4) At the same time that the Government of Sudan was negotiating for a final country-wide peace, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any meaningful discussion with regard to its ongoing campaign of ethnic cleansing in the region of Darfur.

(5) It was not until the international community expressed its outrage, through high level visits by Secretary of State Colin Powell and others, and through United Nations Security Council Resolution 1556 of July 30, 2004, that the Government of Sudan agreed to attend talks to bring peace to the Darfur region.

(6) The Government of the United States, in both the executive branch and Congress, have concluded that genocide has been committed and may still be occurring in Darfur, and that the Government of Sudan and the Janjaweed bear responsibility for the genocide.

(7) The United Nations High Commissioner for Human Rights has identified massive human rights violations in Darfur perpetrated by the Government of Sudan and the Janjaweed, which the Commissioner stated may constitute war crimes or crimes against humanity.

(8) Evidence collected by international observers in the Darfur region between February 2003 and September 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, from both air and ground, that has destroyed African Sudanese villages, killing and driving away its people, while Arab Sudanese villages have been left unscathed.

(9) As a result of this coordinated campaign, which Congress and the executive branch have declared to be genocide, reports indicate tens of thousands of African Sudanese civilians killed, the systematic rape of thousands of women and girls, the destruction of hundreds of Fur, Masalit, and Zaghawa villages and other ethnically African populations, including the poisoning of their wells and the plunder of crops and cattle upon which they sustain themselves.

(10) According to the United Nations High Commissioner for Refugees, 1,400,000 people have been displaced in the Darfur region of Sudan, of whom over 200,000 have been forced to flee to Chad as refugees.

(11) The Government of Sudan conducted aerial attack missions and deadly raids across the international border between Sudan and Chad in an illegal effort to pursue Sudanese civilians seeking refuge in Chad.

(12) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted humanitarian and human rights workers' access to the Darfur area, primarily through bureaucratic and administrative obstruction, in an attempt to inflict the most devastating harm on those displaced from their villages and homes without any means of sustenance or shelter.

(13) The Government of Sudan's continued support for the Janjaweed and their obstruction of the delivery of food, shelter, and medical care to the Darfur region is estimated by the World Health Organization to be resulting in up to 10,000 deaths per month and, should current conditions persist, is projected to escalate to thousands of deaths each day by December 2004.

(14) The Government of Chad served an important role in facilitating the Darfur humanitarian cease-fire (the N'Djamena Agreement dated April 8, 2004) for the Darfur region between the Government of Sudan and the 2 opposition rebel groups in Darfur (the JEM and the SLA) although both sides have violated it repeatedly.

(15) The people of Chad have responded courageously to the plight of over 200,000 Darfur refugees by providing assistance to them even though such assistance has adversely affected their own means of livelihood.

(16) The cooperation and inclusion of all Sudanese is essential to the establishment of peace and security throughout all of Sudan.

(17) The African Union has demonstrated renewed vigor in regional affairs through its willingness to respond to the crisis in Darfur, by convening talks between the parties and deploying several hundred monitors and security forces to the region, as well as by recognizing the need for a far larger force with a broader mandate.

(18) Despite the threat of international action expressed through United Nations Security Council Resolution 1556 of July 30, 2004, the Government of Sudan continues to obstruct and prevent efforts to reverse the catastrophic consequences that loom over Darfur.

#### SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT IN DARFUR, SUDAN.

(a) SUDAN PEACE ACT.—It is the sense of Congress that the Sudan Peace Act (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

(b) ACTIONS TO ADDRESS THE CONFLICT.—It is the sense of Congress that—

(1) a legitimate countrywide peace in Sudan will only be possible if the Agreed Principles of Part A of the Machakos Protocol of 2002, confirmed by the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004, negotiated with the SPLM, apply to all of Sudan and to all of the people of Sudan, including the Darfur region;

(2) the parties to the N'Djamena Agreement (the Government of Sudan, the SLA, and the JEM) must meet their obligations under that Agreement to allow safe and immediate access of all humanitarian assistance throughout the Darfur region and must

expedite the conclusion of a political agreement to end the genocide and conflict in Darfur;

(3) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, develop a plan similar to that described in section 10 of the Sudan Peace Act to provide assistance to the areas of Sudan to which United States access has been obstructed or denied;

(4) the international community, including African, Arab, and Muslim nations, should immediately provide resources necessary to save the lives of hundreds of thousands of individuals at risk as a result of the Darfur crisis;

(5) the United States Ambassador-at-Large for War Crimes should travel to Chad and the Darfur region immediately to investigate war crimes and crimes against humanity to develop a more accurate understanding of the situation on the ground and to better inform the report required in section 11(b) of the Sudan Peace Act;

(6) the United States and the international community should—

(A) provide all necessary assistance to deploy and sustain an African Union Force of at least 4,200 personnel to the Darfur region; and

(B) work to increase the authorized level and expand the mandate of such forces commensurate with the gravity and scope of the problem in a region the size of France;

(7) the President, acting through the Secretary of State and the Permanent Representative of the United States to the United Nations, should ensure that Sudan fulfills its obligations under United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004)

(8) sanctions should be imposed on the assets and activities of those Sudanese Government officials and other individuals that are involved in carrying out the atrocities in the Darfur region;

(9) the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan, including Darfur; and

(10) Presidential Proclamation 6958 issued November 22, 1996, which suspends entry into the United States of members of the Government of Sudan, officials of that Government, and members of the Sudanese Armed Forces, should continue to remain in effect and be strictly enforced.

#### SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

(a) ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.—

(1) IN GENERAL.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new section:

#### “SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

“(a) AUTHORIZATION OF APPROPRIATIONS.—

“(1) HUMANITARIAN ASSISTANCE.—There is authorized to be appropriated to the President for assistance to address the humanitarian and human rights crisis in the Darfur region and its impact on eastern Chad, pursuant to the authority in section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292), \$200,000,000 for fiscal year 2005, in addition to any other funds otherwise available for such purpose.

“(2) ADDITIONAL ASSISTANCE.—Subject to the requirements of this section, there is authorized to be appropriated to the President, for development and humanitarian assistance for Sudan upon the conclusion of a permanent, just, and equitable peace agreement

between the Government of Sudan and the SPLM, \$100,000,000 for fiscal year 2005, in addition to any other funds otherwise available for such purpose.

“(3) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) or (2) are authorized to remain available until expended, notwithstanding any other provision of law other than the provisions of this section.

“(b) REQUIREMENT FOR CERTIFICATION.—The assistance authorized under subsection (a)(2) may be provided—

“(1) to the regions administered by the Government of Sudan, in accordance with the peace agreement described in subsection (a)(2), only if the President submits the certification described in subsection (c); and

“(2) to the regions administered by the SPLM, in accordance with the peace agreement described in subsection (a)(2), only if the President submits the certification described in subsection (d).

“(c) CERTIFICATION WITH REGARD TO ACTIONS OF THE GOVERNMENT OF SUDAN.—The certification referred to in subsection (b)(1) is a certification submitted by the President to the appropriate congressional committees that—

“(1) the Government of Sudan is taking demonstrable steps to—

“(A) ensure that the armed forces of Sudan and any associated militias are not attacking civilians or obstructing human rights monitors or the provision of humanitarian assistance;

“(B) demobilize and disarm militias supported or created by the Government of Sudan;

“(C) allow full and unfettered access for the provision of humanitarian assistance to all regions of Sudan, including Darfur; and

“(D) cooperate fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan; and

“(2) the Government of Sudan is complying with the provisions of the peace agreement described in subsection (a)(2).

“(d) CERTIFICATION WITH REGARD TO SPLM'S COMPLIANCE WITH A PEACE AGREEMENT.—The certification referred to in subsection (b)(2) is a certification submitted by the President to the appropriate congressional committees that the SPLM is complying with the provisions of the peace agreement described in subsection (a)(2).

“(e) SUSPENSION OF ASSISTANCE.—If, on a date after the President submits a certification described in subsection (c) or (d), the President determines that either the Government of Sudan or the SPLM has ceased taking the actions described in the applicable subsection, the President shall immediately suspend the provision of any assistance made available as a result of such certification until the date on which the President certifies that such entity has resumed taking such actions.”.

(2) CONFORMING AMENDMENT.—Section 3 of the Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

“(4) SPLM.—The term ‘SPLM’ means the Sudan People's Liberation Movement.”.

(b) REPORTING REQUIREMENT.—Section 8 of the Sudan Peace Act (50 U.S.C. 1701 note) is amended in the first sentence by striking “Sudan.” and inserting “Sudan, including the conflict in the Darfur region.”.

#### SEC. 6. OTHER RESTRICTIONS.

(a) BLOCKING OF ASSETS.—On the date that is 120 days after the date of enactment of this Act, if the President has not submitted the certification described in subsection (c)(1) of section 12 of the Sudan Peace Act, as added by section 5, the President shall, con-

sistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of appropriate senior officials of the Government of Sudan.

(b) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (Division D of Public Law 108-199; 118 Stat. 143) or any other similar provision of law may not be lifted pursuant to such provisions of law unless the President also makes the certification described in subsection (c) of section 12 of the Sudan Peace Act, as added by section 5.

#### SEC. 7. REQUIREMENT FOR REPORT.

(a) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report on the planned United States response to a comprehensive peace agreement for Sudan.

(b) CONTENT.—The report required by subsection (a) shall include—

(1) a description of the United States response to a modified peace process between the Government of Sudan and the SPLM that would account for the implementation of a peace in all regions of Sudan, in particular Darfur; and

(2) a contingency plan for extraordinary humanitarian assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur.

(c) FORM OF REPORT.—The report required by subsection (a) may be submitted in classified form.

#### SEC. 8. TECHNICAL CORRECTION.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended by striking “Organization of African Unity” and inserting “African Union”.

**SA 3669.** Mr. MCCONNELL (for Mr. HOLLINGS (for himself and Mr. MCCAIN)) proposed an amendment to the bill S. 2279, to amend title 46, United States Code, with respect to maritime transportation security, and for other purposes; as follows:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Maritime Transportation Security Act of 2004”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Enforcement; pier and wharf security costs.
- Sec. 3. Security at foreign ports.
- Sec. 4. Federal and State commercial maritime transportation training.
- Sec. 5. Transportation worker background investigation programs.
- Sec. 6. Report on cruise ship security.
- Sec. 7. Maritime transportation security plan grants.
- Sec. 8. Report on design of maritime security grant programs.

#### SEC. 2. ENFORCEMENT; PIER AND WHARF SECURITY COSTS.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to firearms, arrests, and seizure of property), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70120)

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70123; and

(4) by inserting after section 70120 the following:

**“§ 70121. Enforcement by injunction or withholding of clearance**

“(a) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of this chapter or of regulations issued hereunder, for cause shown.

“(b) WITHHOLDING OF CLEARANCE.—

“(1) If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under section 70119, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty under section 70119, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

“(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.

**“§ 70122. Security of piers and wharfs**

“(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall require any uncleared, imported merchandise remaining on the wharf or pier onto which it was unladen for more than 7 calendar days, not including any time the imported merchandise was held in federal custody, to be removed from the wharf or pier and deposited in the public stores or a general order ware house, where it shall be inspected for determination of contents, and thereafter a permit for its delivery may be granted.

“(b) PENALTY.—The Secretary may impose an administrative penalty of \$5,000 on the consignee for each bill of lading for general order merchandise remaining on a wharf or pier in violation of subsection (a), except that no penalty shall be imposed if the violation was a result of force majeure.”.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

- “70117. In rem liability for civil penalties and certain costs
- “70118. Withholding of clearance
- “70119. Firearms, arrests, and seizure of property
- “70120. Enforcement by State and local officers
- “70121. Enforcement by injunction or withholding of clearance
- “70122. Security of piers and wharfs
- “70123. Civil penalty”.

(2) Section 70117(a) of title 46, United States Code, is amended by striking “section 70120” and inserting “section 70123”.

(3) Section 70118(a) of such title is amended by striking “under section 70120,” and inserting “under that section.”.

**SEC. 3. SECURITY AT FOREIGN PORTS.**

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking “The Secretary,” in subsection (b) and inserting “The Administrator of the Maritime Administration.”; and

(2) by adding at the end the following:

“(c) FOREIGN ASSISTANCE PROGRAMS.—The Administrator of the Maritime Administration, in coordination with the Secretary of State, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in

foreign countries. The Administrator and the Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.”.

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives a report on the security of ports in the Caribbean Basin. The report shall include the following:

(1) An assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security.

(2) An estimate of the number of ports in the Caribbean Basin that will not be secured by July 2004, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States.

(3) An assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin.

**SEC. 4. FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.**

Section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and (2) by inserting after subsection (b) the following:

“(c) FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.—The Secretary of Transportation shall establish a curriculum, to be incorporated into the curriculum developed under subsection (a)(1), to educate and instruct Federal and State officials on commercial maritime and intermodal transportation. The curriculum shall be designed to familiarize those officials with commercial maritime transportation in order to facilitate performance of their commercial maritime and intermodal transportation security responsibilities. In developing the standards for the curriculum, the Secretary shall consult with each agency in the Department of Homeland Security with maritime security responsibilities to determine areas of educational need. The Secretary shall also coordinate with the Federal Law Enforcement Training Center in the development of the curriculum and the provision of training opportunities for Federal and State law enforcement officials at appropriate law enforcement training facilities.”.

**SEC. 5. TRANSPORTATION WORKER BACKGROUND INVESTIGATION PROGRAMS.**

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Secretary of Transportation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure—

(1) making recommendations (including legislative recommendations, if appropriate or necessary) for harmonizing, combining, or coordinating requirements, procedures, and programs for conducting background checks under section 70105 of title 46, United States Code, section 5103a(c) of title 49, United States Code, section 44936 of title 49, United States Code, and other provisions of Federal law or regulations requiring background

checks for individuals engaged in transportation or transportation-related activities;

(2) setting forth a detailed timeline for implementation of such harmonization, combination, or coordination;

(3) setting forth a plan with a detailed timeline for the implementation of the Transportation Worker Identification Credential in seaports;

(4) making recommendations for a waiver and appeals process for issuing a transportation security card to an individual found otherwise ineligible for such a card under section 70105(c)(2) and (3) of title 46, United States Code, along with recommendations on the appropriate level of funding for such a process; and

(5) making recommendations for how information collected through the Transportation Worker Identification Credential program may be shared with port officials, terminal operators, and other officials responsible for maintaining access control while also protecting workers' privacy.

**SEC. 6. REPORT ON CRUISE SHIP SECURITY.**

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the security of ships and facilities used in the cruise line industry.

(b) CONTENT.—The report required by subsection (a) shall include an assessment of security measures employed by the cruise line industry, including the following:

(1) An assessment of the security of cruise ships that originate at ports in foreign countries.

(2) An assessment of the security of ports utilized for cruise ship docking.

(3) The costs incurred by the cruise line industry to carry out the measures required by the Maritime Transportation Security Act of 2002 (Public Law 107-295; 116 Stat. 2064) and the amendments made by that Act.

(4) The costs of employing canine units and hand-held explosive detection wands at ports, including the costs of screening passengers and baggage with such methods.

(5) An assessment of security measures taken by the Secretary of Homeland Security to increase the security of the cruise line industry and the costs incurred to carry out such security measures.

(6) A description of the need for and the feasibility of deploying explosive detection systems and canine units at ports used by cruise ships and an assessment of the cost of such deployment.

(7) A summary of the fees paid by passengers of cruise ships that are used for inspections and the feasibility of creating a dedicated passenger vessel security fund from such fees.

(8) The recommendations of the Secretary, if any, for measures that should be carried out to improve security of cruise ships that originate at ports in foreign countries.

(9) The recommendations of the Secretary, if any, on the deployment of further measures to improve the security of cruise ships, including explosive detection systems, canine units, and the use of technology to improve baggage screening, and an assessment of the cost of implementing such measures.

**SEC. 7. MARITIME TRANSPORTATION SECURITY PLAN GRANTS.**

Section 70107(a) of title 46, United States Code, is amended to read as follows:

“(a) IN GENERAL.—The Under Secretary of Homeland Security for Border and Transportation Security shall establish a grant program for making a fair and equitable allocation of funds to implement Area Maritime

Transportation Security Plans and to help fund compliance with Federal security plans among port authorities, facility operators, and State and local agencies required to provide security services. Grants shall be made on the basis of threat-based risk assessments subject to review and comment by the appropriate Federal Maritime Security Coordinators and the Maritime Administration. The grant program shall take into account national security priorities, national economic, and strategic defense concerns and shall be coordinated with the Director of the Office of Domestic Preparedness to ensure that the grant process is consistent with other Department of Homeland Security grant programs."

#### SEC. 8. REPORT ON DESIGN OF MARITIME SECURITY GRANT PROGRAMS.

Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the design of maritime security grant programs that includes recommendations on—

(1) whether the grant programs should be discretionary or formula based and why;

(2) requirements for ensuring that Federal funds will not be substituted for grantee funds;

(3) targeting requirements to ensure that funding is directed in a manner that reflects a national, risk-based perspective on priority needs, the fiscal capacity of recipients to fund the improvements without grant funds, and an explicit analysis of the impact of minimum funding to small ports that could affect funding available for the most strategic or economically important ports; and

(4) matching requirements to ensure that Federal funds provide an incentive to grantees for the investment of their own funds in the improvements financed in part by Federal funds.

#### NOTICES OF HEARINGS/MEETINGS

##### JOINT ECONOMIC COMMITTEE

Mr. BENNETT. Mr. President, I announce that the Joint Economic Committee will conduct a hearing in Room 628 of the Dirksen Senate Office Building, Wednesday, September 22, 2004, from 10 a.m. to 12:30 p.m.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 21, 2004, at 9:30 a.m. on Oceans Commission.

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 21, 2004, at 2:30 p.m., on S. 1963—Wireless 411 Privacy Act.

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANTORUM. 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 Tuesday, September 21, at 10 a.m. to consider the nominations of Karen Alderman Harbert, to be an Assistant Secretary of Energy for International Affairs and Domestic Policy and John Spitaleri Shaw, to be an Assistant Secretary of Energy for Environment, Safety and Health.

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

##### COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 21, 2004, at 10 a.m., to hear testimony on "Indian Jails: A Clarion Call for Reform."

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

##### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 21, 2004 at 10 a.m., and Wednesday, September 22, 2004 at 10 a.m. to hold a business meeting to consider pending Committee business (agenda attached).

#### AGENDA

##### Legislation

1. National Intelligence Reform Act of 2004.

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

##### COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to continue its markup on Tuesday, September 21, 2004, at 10 a.m. in Dirksen Senate Office Building room 226. The tentative agenda is attached.

I. Nominations: Claude A. Allen to be U.S. Circuit Judge for the Fourth Circuit; David E. Nahmias to be United States Attorney for the Northern District of Georgia; Ricardo H. Hinojosa to be Chair of the United States Sentencing Commission; Michael O'Neill to be a Member of the United States Sentencing Commission; Ruben Castillo to be a Member of the United States Sentencing Commission; William Sanchez to be Special Counsel for Immigration-Related Unfair Employment Practice; Richard B. Roper III to be United States Attorney for the Northern District of Texas for the term of four years; and Lisa Wood to be United States Attorney for the Southern District of Georgia for the term of four years.

II. Legislation: S. 1634, L-1 Visa (Intercompany Transferee) Reform Act of 2003, Chambliss; S. 1700, Advancing Justice through DNA Technology Act of 2003, Hatch, Biden, Specter, Leahy,

DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards; S. 2396, Federal Courts Improvement Act of 2004, Hatch, Leahy, Chambliss, Durbin, Schumer; H.R. 1417, To amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges Act of 2003, Smith of Texas, Berman, Conyers; S. 2204, A bill to provide criminal penalties for false information and hoaxes relating to terrorism Act of 2004, Hatch, Schumer, Cornyn, Feinstein, DeWine; S. 1860, A bill to reauthorize the Office of Drug Control Policy Act of 2003, Hatch, Biden, Grassley; S. 2195, A bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors Act of 2004, Biden, Hatch, Grassley, Feinstein; S.J. Res. 23, A joint resolution proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated Act of 2003, Cornyn, Chambliss; S. 2742, A bill to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court Act of 2004, Hatch, Leahy; and S. 2373, A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names, Domenici, Graham, Kyl, Sessions.

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

##### COMMITTEE ON VETERANS' AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, September 21, 2004, for a joint hearing with the House of Representatives' Committee on Veterans' Affairs, to hear the legislative presentation of The American Legion. The hearing will take place in room 345 of the Cannon House Office Building at 10 a.m.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 21, 2004 at 10:00 a.m. to hold a closed business meeting.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 21, 2004 at 2:30 p.m. to hold a closed business meeting.

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

## SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration and Border Security be authorized to meet to conduct a hearing on "Refugees: Seeking Solutions to a Global Concern" on Tuesday, September 21, 2004, at 2:30 p.m. in SD226.

## Agenda:

*Panel I:* Gene Dewey, Assistant Secretary, Bureau of Population, Refugees, and Migration, Department of State, Washington, D.C.; Eduardo Aguirre, Director, U.S. Citizenship and Immigration Services, Department of Homeland Security, Washington, D.C.

*Panel II:* Charles H. Kuck, Managing Partner, Immigration Group, Weathersby, Howard & Kuck, LLC, Atlanta, GA; Mark Franken, Chair, Refugee Counsel, USA, Washington, D.C.; Lavinia Limon, Executive Director, United States Committee for Refugees, Washington, D.C.

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

## SUBCOMMITTEE ON NATIONAL PARKS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 21 at 2:30 pm.

The purpose of the hearing is to receive testimony on the following bills: S. 784 and H.R. 1630, to Revise the Boundary of Petrified Forest National Park in the State of Arizona, and for other purposes; S. 2656, to establish a National Commission on the Quincentennial of the Discovery of Florida by Ponce De Leon; S. 2499, to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes; S. 1311, to establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and for other purposes; and H.R. 2055, to amend P.L. 89-366 to allow for an Adjustment in the Number of Free Roaming Horses Permitted in Cape Lookout National Seashore.

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

## PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Stephen Kosack, a fellow in my office, be granted the privileges of the floor during the remainder of morning business.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Katie Callahan of my staff be granted the privileges of the floor for the duration of today's session.

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

## MARITIME TRANSPORTATION SECURITY ACT OF 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 530, S. 2279.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2279) to amend title 46, United States Code, with respect to maritime transportation security, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2279

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

**[(a) SHORT TITLE.**—This Act may be cited as the "Maritime Transportation Security Act of 2004".

**(b) TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

**[Sec. 1.** Short title; table of contents

**[Sec. 2.** In rem liability; enforcement; pier and wharf security costs.

**[Sec. 3.** Maritime information.

**[Sec. 4.** Intermodal cargo security plan.

**[Sec. 5.** Joint operations center for port security.

**[Sec. 6.** Maritime transportation security plan grants.

**[Sec. 7.** Assistance for foreign ports.

**[Sec. 8.** Federal and State commercial maritime transportation training.

**[Sec. 9.** Port security research and development.

**[Sec. 10.** Nuclear facilities in maritime areas.

**[Sec. 11.** Transportation worker background investigation programs.

**[Sec. 12.** Security service fee.

**[Sec. 13.** Port security capital fund.

**SEC. 2. IN REM LIABILITY; ENFORCEMENT; PIER AND WHARF SECURITY COSTS.**

**[(a) IN GENERAL.**—Chapter 701 of title 46, United States Code, is amended—

**[(1)** by redesignating section 70117 as 70120; and

**[(2)** by inserting after section 70116 the following:

**["§ 70117. In rem liability for civil penalties and certain costs**

**["(a) IN GENERAL.**—Any vessel subject to the provisions of this chapter, which is used in violation of this chapter or any regulations issued hereunder shall be liable in rem for any civil penalty assessed pursuant to section 70120 and may be proceeded against in the United States district court for any district in which such vessel may be found.

**["(b) REIMBURSABLE COSTS.**—

**["(1) IN GENERAL.**—Any vessel subject to the provisions of this chapter shall be liable in rem for the reimbursable costs incurred by any valid claimant related to implementation and enforcement of this chapter with respect to the vessel, including port authorities, facility or terminal operators, shipping agents, Federal, State, or local government agencies, and other persons to whom the management of the vessel at the port of supply is entrusted, and any fine or penalty relating to reporting requirements of the ves-

sel or its cargo, crew, or passengers, and may be proceeded against in the United States district court for any district in which such vessel may be found.

**["(2) REIMBURSABLE COSTS DEFINED.**—In this subsection the term 'reimbursable costs' means costs incurred by any service provider, including port authorities, facility or terminal operators, shipping agents, Federal, State, or local government agencies, or other person to whom the management of the vessel at the port of supply is entrusted, for—

**["(A)** vessel crew on board, or in transit to or from, the vessel under lawful order, including accommodation, detention, transportation, and medical expenses; and

**["(B)** required handling under lawful order of cargo or other items on board the vessel.

**["§ 70118. Enforcement by injunction or withholding of clearance**

**["(a) INJUNCTION.**—The United States district courts shall have jurisdiction to restrain violations of this chapter or of regulations issued hereunder, for cause shown.

**["(b) WITHHOLDING OF CLEARANCE.**—

**["(1)** If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under section 70120, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty under section 70120, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

**["(2)** Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.

**["§ 70119. Security of piers and wharfs**

**["(a) IN GENERAL.**—Notwithstanding any provision of law, the Secretary shall require any uncleared, imported merchandise remaining on the wharf or pier onto which it was unladen for more than 5 calendar days to be removed from the wharf or pier and deposited in the public stores or a general order warehouse, where it shall be inspected for determination of contents, and thereafter a permit for its delivery may be granted.

**["(b) PENALTY.**—The Secretary may impose an administrative penalty of \$5,000 for each bill of lading for general order merchandise remaining on a wharf or pier in violation of subsection (a)."

**["(b) CONFORMING AMENDMENT FOR IN REM LIABILITY PROVISION IN CHAPTER 701.**—Section 2 of the Act of June 15, 1917 (50 U.S.C. 192) is amended—

**[(1)** by striking "Act," each place it appears and inserting "title,"; and

**[(2)** by adding at the end the following:

**["(d) IN REM LIABILITY.**—Any vessel subject to the provisions of this title, which is used in violation of this title, or any regulations issued hereunder, shall be liable in rem for any civil penalty assessed pursuant to subsection (c) and may be proceeded against in the United States district court for any district in which such vessel may be found.

**["(e) INJUNCTION.**—The United States district courts shall have jurisdiction to restrain violations of this title or of regulations issued hereunder, for cause shown.

**["(f) WITHHOLDING OF CLEARANCE.**—

**["(1)** If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under subsection (c), or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty or fine under subsection (c), the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).



“(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary of the Department in which the Coast Guard is operating.”.

“(c) **EMPTY CONTAINERS.**—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall review United States ports and transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the practices and policies in place to secure shipment of empty containers. The Secretary shall include in the report recommendations with respect to whether additional regulations or legislation is necessary to ensure the safe and secure delivery of cargo and to prevent potential acts of terrorism involving such containers.

“(d) **CLERICAL AMENDMENT.**—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the last item and inserting the following:

“‘70117. In rem liability for civil penalties and certain costs

‘70118. Enforcement by injunction or withholding of clearance

‘70119. Security of piers and wharfs

‘70120. Civil penalty”.

### **[SEC. 3. MARITIME INFORMATION.]**

[Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that provides a preliminary plan for the implementation of section 70113 of title 46, United States Code. The plan shall—

“(1) provide the identification of Federal agencies with maritime information relating to vessels, crew, passengers, cargo, and cargo shippers;

“(2) establish a timeline for coordinating the efforts of those Federal agencies in the collection of maritime information;

“(3) establish a timeline for the incorporation of information on vessel movements derived through the implementation of sections 70114 and 70115 of title 46, United States Code;

“(4) include recommendations on co-locating agency personnel in order to maximize expertise, minimize cost, and avoid redundancy;

“(5) include recommendations on how to leverage information on commercial maritime information collected by the Department of the Navy, and identify any legal impediments that would prevent or reduce the utilization of such information outside the Department of the Navy;

“(6) include recommendations on educating Federal officials on commercial maritime operations in order to facilitate the identification of security risks posed through commercial maritime transportation operations;

“(7) include recommendations on how private sector resources could be utilized to collect or analyze information, along with a preliminary assessment of the availability and expertise of private sector resources;

“(8) include recommendations on how to disseminate information collected and analyzed through Federal maritime security coordinator while considering the need for non-disclosure of sensitive security information and the maximizing of security through the utilization of State, local, and private security personnel; and

“(9) include recommendations on how the Department could help support a maritime information sharing and analysis center for the purpose of collecting information from public and private entities, along with rec-

ommendations on the appropriate levels of funding to help disseminate maritime security information to the private sector.

### **[SEC. 4. INTERMODAL CARGO SECURITY PLAN.]**

“(a) **IN GENERAL.**—In addition to the plan submitted under section 3, within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the following:

“(1) **SECURE SYSTEMS OF TRANSPORTATION** (46 U.S.C. 70116).—A plan, along with timelines, for the implementation of section 70116 of title 46, United States Code. The plan shall—

“(A) provide an update on current efforts by the Department of Homeland Security could be incorporated into the certification process outlined in section 70116 to ensure the physical screening or inspection of imported cargo;

“(B) provide a preliminary assessment of resources necessary to evaluate and certify “Secure Systems of Transportation”, and the resources necessary to validate that “Secure Systems of Transportation” are operating in compliance with the certification requirements; and

“(C) contain an analysis of the feasibility of establishing a user fee in order to be able to evaluate, certify, and validate “Secure Systems of Transportation”.

“(2) **RADIATION DETECTORS.**—A report on progress in the installation of a system of radiation detection at all major United States seaports, along with a timeline and expected completion date for the system. In the report, the Secretary shall include a preliminary analysis of any issues related to the installation of the radiation detection equipment, as well as a cost estimate for completing installation of the system.

“(3) **NON-INTRUSIVE INSPECTION AT FOREIGN PORTS.**—A report—

“(A) on whether and to what extent foreign seaports have been willing to utilize screening equipment at their ports to screen cargo, including the number of cargo containers that have been screened at foreign seaports, and the ports where they were screened;

“(B) indicating which foreign ports may be willing to utilize their screening equipment for cargo exported for import into the United States, and a recommendation as to whether, and to what extent, United States cargo screening equipment will be required to be purchased and stationed at foreign seaports for inspection; and

“(C) indicating to what extent additional resources and program changes will be necessary to maximize scrutiny of cargo in foreign seaports.

“(4) **COMPLIANCE WITH SECURITY STANDARD PROGRAMS.**—A plan to establish, validate, and ensure compliance with security standards that would require ports, terminals, vessel operators, and shippers to adhere to security standards established by or consistent with the National Transportation System Security Plan. The plan shall indicate what resources will be utilized, and how they would be utilized, to ensure that companies operate in compliance with security standards.

“(b) **EVALUATION OF CARGO INSPECTION TARGETING SYSTEM FOR INTERNATIONAL INTERMODAL CARGO CONTAINERS.**—

“(1) **IN GENERAL.**—Within 6 months after the date of enactment of this Act, and annually thereafter, the Inspector General of the Department of Homeland Security shall evaluate the system used by the Department to target international intermodal containers for inspection and report the results of the evaluation to the Senate Committee

on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. In conducting the evaluation, the Inspector General shall assess—

“(A) the effectiveness of the current tracking system to determine whether it is adequate to prevent international intermodal containers from being used for purposes of terrorism;

“(B) the sources of information used by the system to determine whether targeting information is collected from the best and most credible sources and evaluate data sources to determine information gaps and weaknesses;

“(C) the targeting system for reporting and analyzing inspection statistics, as well as testing effectiveness;

“(D) the competence and training of employees operating the system to determine whether they are sufficiently capable to detect potential terrorist threats; and

“(E) whether the system is an effective system to detect potential acts of terrorism and whether additional steps need to be taken in order to remedy deficiencies in targeting international intermodal containers for inspection.

“(2) **INCREASE IN INSPECTIONS.**—If the Inspector General determines in any of the reports required by paragraph (1) that the targeting system is insufficiently effective as a means of detecting potential acts of terrorism utilizing international intermodal containers, then within 12 months after that report, the Secretary of Homeland Security shall double the number of containers subjected to intrusive or non-intrusive inspection at United States ports or to be shipped to the United States at foreign seaports.

“(c) **REPORT AND PLAN FORMATS.**—The Secretary and the Inspector General may submit any plan or report required by this section in both classified and redacted formats if the Secretary determines that it is appropriate or necessary.

### **[SEC. 5. JOINT OPERATIONS CENTER FOR PORT SECURITY.]**

[The Commandant of the United States Coast Guard shall report to Congress, within 180 days after the date of enactment of this Act, on the potential benefits of establishing joint operational centers for port security at certain United States seaports. The report shall consider the 3 Joint Operational Centers that have been established at Norfolk, Charleston, San Diego, and elsewhere and compare and contrast their composition and operational characteristics. The report shall consider—

“(1) whether it would be beneficial to establish linkages to Federal maritime information systems established pursuant to section 70113 of title 46, United States Code;

“(2) whether the operational centers could be beneficially utilized to track vessel movements under sections 70114 and 70115 of title 46, United States Code;

“(3) whether the operational centers could be beneficial in the facilitation of intermodal cargo security programs such as the “Secure Systems of Transportation Program”;

“(4) the extent to which such operational centers could be beneficial in the operation of maritime area security plans and maritime area contingency response plans and in coordinating the port security activities of Federal, State, and local officials; and

“(5) include recommendations for the number of centers and their possible location, as well as preliminary cost estimates for the operation of the centers.

### **[SEC. 6. MARITIME TRANSPORTATION SECURITY PLAN GRANTS.]**

[Section 70107(a) of title 46, United States Code, is amended to read as follows:

["(a) IN GENERAL.—The Under Secretary of Homeland Security for Border and Transportation Security shall establish a grant program for making a fair and equitable allocation of funds to implement Area Maritime Transportation Security Plans and to help fund compliance with Federal security plans among port authorities, facility operators, and State and local agencies required to provide security services. Grants shall be made on the basis of the need to address vulnerabilities in security subject to review and comment by the appropriate Federal Maritime Security Coordinators and the Maritime Administration. The grant program shall take into account national economic and strategic defense concerns and shall be coordinated with the Director of the Office of Domestic Preparedness to ensure that the grant process is consistent with other Department of Homeland Security grant programs.”]

#### **[SEC. 7. ASSISTANCE FOR FOREIGN PORTS.]**

[Section 70109 of title 46, United States Code, is amended—

[(1) by striking “The Secretary” in subsection (b) and inserting “The Administrator of the Maritime Administration”; and

[(2) by adding at the end the following:

["(c) FOREIGN ASSISTANCE PROGRAMS.—The Administrator of the Maritime Administration, in coordination with the Secretary of State, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Administrator and the Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.”]

#### **[SEC. 8. FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.]**

[Section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note) is amended—

[(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

[(2) by inserting after subsection (b) the following:

["(c) FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.—The Secretary of Transportation shall establish a curriculum, to be incorporated into the curriculum developed under subsection (a)(1), to educate and instruct Federal and State officials on commercial maritime and intermodal transportation. The curriculum shall be designed to familiarize those officials with commercial maritime transportation in order to facilitate performance of their commercial maritime and intermodal transportation security responsibilities. In developing the standards for the curriculum, the Secretary shall consult with each agency in the Department of Homeland Security with maritime security responsibilities to determine areas of educational need. The Secretary shall also coordinate with the Federal Law Enforcement Training Center in the development of the curriculum and the provision of training opportunities for Federal and State law enforcement officials at appropriate law enforcement training facilities.”]

#### **[SEC. 9. RESEARCH AND DEVELOPMENT.]**

[(a) IN GENERAL.—Section 70107 of title 46, United States Code, is amended by striking subsection (i) and inserting the following:

["(i) RESEARCH AND DEVELOPMENT.—

["(1) IN GENERAL.—As part of the research and development program within the Science and Technology Directorate, the Secretary of Homeland Security shall conduct investigations, fund pilot programs, award grants, and

otherwise conduct research and development across the various portfolios focused on making United States ports safer and more secure. Research conducted under this subsection may include—

["(A) methods or programs to increase the ability to target for inspection vessels, cargo, crewmembers, or passengers that will arrive or have arrived at any port or place in the United States;

["(B) equipment to detect accurately explosives, chemical, or biological agents that could be used to commit terrorist acts against the United States;

["(C) equipment to detect accurately nuclear or radiological materials, including scintillation-based detection equipment capable of signalling the presence of nuclear or radiological materials;

["(D) improved tags and seal designed for use on shipping containers to track the transportation of the merchandise in such containers, including ‘smart sensors’ that are able to track a container throughout its entire supply chain, detect hazardous and radioactive materials within that container, and transmit that information to the appropriate law enforcement authorities;

["(E) tools, including the use of satellite tracking systems, to increase the awareness of maritime areas and to identify potential terrorist threats that could have an impact on facilities, vessels, and infrastructure on or adjacent to navigable waterways, including underwater access;

["(F) tools to mitigate the consequences of a terrorist act on, adjacent to, or under navigable waters of the United States, including sensor equipment, and other tools to help coordinate effective response to a terrorist action; and

["(G) applications to apply existing technologies from other areas or industries to increase overall port security.

["(2) IMPLEMENTATION OF TECHNOLOGY.—

["(A) IN GENERAL.—In conjunction with ongoing efforts to improve security at United States ports, the Director of the Science and Technology Directorate, in consultation with other Department of Homeland Security agencies with responsibility for port security, may conduct pilot projects at United States ports to test the effectiveness and applicability of new port security projects, including—

["(i) testing of new detection and screening technologies;

["(ii) projects to protect United States ports and infrastructure on or adjacent to the navigable waters of the United States, including underwater access; and

["(iii) tools for responding to a terrorist threat or incident at United States ports and infrastructure on or adjacent to the navigable waters of the United States, including underwater access.

["(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security \$35,000,000 for each of fiscal years 2005 through 2009 to carry out pilot projects under subparagraph (A).

["(3) ADMINISTRATIVE PROVISIONS.—

["(A) NO DUPLICATION OF EFFORT.—Before making any grant, the Secretary of Homeland Security shall coordinate with other Federal agencies to ensure the grant will not be used for research and development that is already being conducted with Federal funding.

["(B) ACCOUNTING.—The Secretary of Homeland Security shall by regulation establish accounting, reporting, and review procedures to ensure that funds made available under paragraph (1) are used for the purpose for which they were made available, that all expenditures are properly accounted for, and that amounts not used for such pur-

poses and amounts not expended are recovered.

["(C) RECORDKEEPING.—Recipients of grants shall keep all records related to expenditures and obligations of funds provided under paragraph (1) and make them available upon request to the Inspector General of the Department of Homeland Security and the Secretary of Homeland Security for audit and examination.”]

[(b) ANNUAL REPORT.—Within 30 days after the beginning of each fiscal year from fiscal year 2005 through fiscal year 2009, the Director of the Science and Technology Directorate shall submit a report describing its research that can be applied to port security to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Select Committee on Homeland Security. The report shall—

[(1) describe any port security-related research, including grants and pilot projects, that were conducted in the preceding fiscal year;

[(2) describe the amount of Department of Homeland Security resources dedicated to research that can be applied to port security;

[(3) describe the steps taken to coordinate with other agencies within the Department to ensure that research efforts are coordinated with port security efforts;

[(4) describe how the results of the Department's research, as well as port security related research of the Department of Defense, will be implemented in the field, including predicted timetables;

[(5) lay out the plans for research in the current fiscal year; and

[(6) include a description of the funding levels for the research in the preceding, current, and next fiscal years.

#### **[SEC. 10. NUCLEAR FACILITIES IN MARITIME AREAS.]**

[(a) WATERWAYS.—Section 70103(b) is amended by adding at the end thereof the following:

["(5) WATERWAYS LOCATED NEAR NUCLEAR FACILITIES.—

["(A) IDENTIFICATION AND SECURITY EVALUATION.—The Secretary shall—

["(i) identify all nuclear facilities on, adjacent to, or in close proximity to navigable waterways that might be damaged by a transportation security incident;

["(ii) in coordination with the Secretary of Energy, evaluate the security plans of each such nuclear facility for its adequacy to protect the facility from damage or disruption from a transportation security incident originating in the navigable waterway, including threats posed by navigation, underwater access, and the introduction of harmful substances into water coolant systems.

["(B) RECTIFICATION OF DEFICIENCIES.—The Secretary, in coordination with the Secretary of Energy, shall take such steps as may be necessary or appropriate to correct any deficiencies in security identified in the evaluations conducted under subparagraph (A).

["(C) REPORT.—As soon as practicable after completion of the evaluation under subparagraph (A), the Secretary shall transmit a report, in both classified and redacted format, to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Select Committee on Homeland Security—

["(i) describing the results of the identification and evaluation required by subparagraph (A);

["(ii) describing the actions taken under subparagraph (B); and

[(iii) evaluating the technology utilized in the protection of nuclear facilities (including any such technology under development).].

[(b) VESSELS.—Section 70103(c)(3) of title 46, United States Code, is amended—

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

[(2) by striking “facility.” in subparagraph (G) and inserting “facility; and”; and

[(3) by adding at the end the following:

[(“(H) establish a requirement, coordinated with the Department of Energy, for criminal background checks of all United States and foreign seamen employed on vessels transporting nuclear materials in the navigable waters of the United States.”.]

# **[SEC. 11. TRANSPORTATION WORKER BACKGROUND INVESTIGATION PROGRAMS.]**

[Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Secretary of Transportation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure—

[(1) making recommendations (including legislative recommendations, if appropriate or necessary) for harmonizing, combining, or coordinating requirements, procedures, and programs for conducting background checks under section 70105 of title 46, United States Code, section 5103a(c) of title 49, United States Code, section 44936 of title 49, United States Code, and other provisions of Federal law or regulations requiring background checks for individuals engaged in transportation or transportation-related activities; and

[(2) setting forth a detailed timeline for implementation of such harmonization, combination, or coordination.

# **[SEC. 12. SECURITY SERVICE FEE.]**

[(a) IN GENERAL.—Chapter 701 of title 46, United States Code, as amended by section 2, is further amended by adding at the end the following:

## **“§ 70121. Security service fee**

[(“(a) IN GENERAL.—

[(“(1) SECURITY FEE.—Within 90 days after the date of enactment of the Maritime Transportation Security Act of 2004, the Secretary of Homeland Security shall assess and collect an international port security service fee on commercial maritime transportation entities that benefit from a secure system of international maritime transportation to pay for the costs of providing port security services. The amount of the fees assessed and collected under this paragraph and paragraph (2) shall, in the aggregate, be sufficient to provide the services and levels of funding described in section 70122(c).]

[(“(2) INTERNATIONAL TRANSSHIPMENT SECURITY FEE.—The Secretary shall also assess and collect an international maritime transshipment security user fee for providing security services for shipments of cargo and transportation of passengers entering the United States as part of an international transportation movement by water through Canadian or Mexican ports at the same rates as the fee imposed under paragraph (1). The fee authorized by this paragraph shall not be assessed or collected on transshipments from—

[(“(A) Canada after the date on which the Secretary determines that an agreement between the United States and Canada, or

[(“(B) Mexico after the date on which the Secretary determines that an agreement between the United States and Mexico, has entered into force that will provide equivalent security regimes and international maritime security user fees of the

United States and that country for transshipments between the countries.

[(“(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Secretary shall ensure that the fees are reasonably related to the costs of providing services rendered and the value of the benefit derived from the continuation of secure international maritime transportation.

[(“(c) IMPOSITION OF FEE.—

[(“(1) IN GENERAL.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Secretary shall impose the fees under subsection (a) through the publication of notice in the Federal Register and begin collection of the fee within 60 days of the date of enactment of the Maritime Transportation Security Act of 2004, or as soon as possible thereafter. No fee shall be assessed more than once, and no fee shall be assessed for international ferry voyages.

[(“(2) MEANS OF COLLECTION.—The Secretary shall prescribe procedures to collect fees under this section. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

[(“(3) SUBSEQUENT MODIFICATION OF FEE.—After imposing a fee under subsection (a), the Secretary may modify, from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both. The Secretary shall evaluate the fee annually to determine whether it is necessary and appropriate to pay the cost of activities and services, and shall adjust the amount of the fee accordingly.

[(“(4) LIMITATION ON COLLECTION.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

[(“(d) ADMINISTRATION OF FEES.—

[(“(1) FEES PAYABLE TO SECRETARY.—All fees imposed and amounts collected under this section are payable to the Secretary.

[(“(2) INFORMATION.—The Secretary may require the provision of such information as the Secretary decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

[(“(e) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee collected under this section—

[(“(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

[(“(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

[(“(3) shall remain available until expended.

[(“(f) REFUNDS.—The Secretary may refund any fee paid by mistake or any amount paid in excess of that required.

[(“(g) SUNSET.—The fees authorized by subsection (a) may not be assessed after September 31, 2009.”.]

[(“(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, as amended by section 2, is amended by adding at the end the following:

[(“(70121. Security service fee.”.]

# **[SEC. 13. PORT SECURITY CAPITAL FUND.]**

[(“(a) IN GENERAL.—Chapter 701 of title 46, United States Code, as amended by section 11, is further amended by adding at the end the following:

## **[(“(§ 70122. Port security capital fund.]**

[(“(a) IN GENERAL.—There is established within the Department of Homeland Security a fund to be known as the Port Security Capital Fund. There are appropriated to the Fund such sums as may be derived from the fees authorized by section 70121(a).]

[(“(b) PURPOSE.—Amounts in the Fund shall be available to the Secretary of Homeland Security—

[(“(1) to provide financial assistance to port authorities, facility operators, and State and local agencies required to provide security services to defray capital investment in transportation security at port facilities in accordance with the provisions of this chapter;

[(“(2) to provide financial assistance to those entities required to provide security services to help ensure compliance with Federal area maritime security plans; and

[(“(3) to help defray the costs of Federal port security programs.

[(“(c) ALLOCATION OF FUNDS.—

[(“(1) FUNDS DERIVED FROM SECURITY FEES.—From amounts in the Fund attributable to fees collected under section 70121(a)(1) and (2)—

[(“(A) no less than \$400,000,000 (or such amount as may be appropriate to reflect any modification of the fees under section 70121(c)(3)) shall be made available each fiscal year for grants under section 70107 to help ensure compliance with facility security plans or to help implement Area Maritime Transportation Security Plans;

[(“(B) funds shall be made available to the Coast Guard for the costs of implementing sections 70114 and 70115 fully by the end of fiscal year 2006;

[(“(C) funds shall be made available to the Coast Guard for the costs of establishing command and control centers at United States ports to help coordinate port security law enforcement activities and implementing Area Maritime Security Plans, and may be transferred, as appropriate, to port authorities, facility operators, and State and local government agencies to help them defray costs associated with port security services;

[(“(D) funds shall be made available to the Under Secretary of Homeland Security for Border and Transportation Security for the costs of implementing cargo security programs, including the costs of certifying secure systems of transportation under section 70116;

[(“(E) funds shall be made available to the Under Secretary of Homeland Security for Border and Transportation Security for the costs of acquiring and operating nonintrusive screening equipment at United States ports; and

[(“(F) funds shall be made available to the Transportation Security Administration for the costs of implementing of section 70113 and the collection of commercial maritime intelligence (including the collection of commercial maritime transportation information from the private sector), of which a portion shall be made available to the Coast Guard and the Customs Service only for the purpose of coordinating the system of collecting and analyzing information on vessels, crew, passengers, cargo, and intermodal shipments.

[(“(2) TRANSSHIPMENT FEES.—Amounts in the Fund attributable to fees collected under section 70121(a)(3), shall be made available to the Secretary to defray the costs of providing international maritime transshipment security at the United States borders with Canada and Mexico.

“(d) UTILIZATION REPORTS.—The Commandant of the Coast Guard and the Secretary of Homeland Security shall report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on utilization of amounts received from the Fund.

“(e) LETTERS OF INTENT.—The Secretary of Homeland Security, or his delegate, may execute letters of intent to commit funding to port sponsors from the Fund.”

“(f) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, as amended by section 11, is amended by adding at the end the following:

“70122. Port security capital fund.”

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Maritime Transportation Security Act of 2004”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents
- Sec. 2. In rem liability; enforcement; pier and wharf security costs.
- Sec. 3. Maritime information.
- Sec. 4. Intermodal cargo security plan.
- Sec. 5. Joint operations center for port security.
- Sec. 6. Maritime transportation security plan grants.
- Sec. 7. Assistance for foreign ports.
- Sec. 8. Federal and State commercial maritime transportation training.
- Sec. 9. Port security research and development.
- Sec. 10. Nuclear facilities in maritime areas.
- Sec. 11. Transportation worker background investigation programs.
- Sec. 12. Report on cruise ship security.
- Sec. 13. Report on design of maritime security grant programs.

#### SEC. 2. IN REM LIABILITY; ENFORCEMENT; PIER AND WHARF SECURITY COSTS.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

- (1) by redesignating section 70117 as 70120; and
- (2) by inserting after section 70116 the following:

##### “§ 70117. In rem liability for civil penalties and certain costs

“(a) IN GENERAL.—Any vessel subject to the provisions of this chapter, which is used in violation of this chapter or any regulations issued hereunder shall be liable in rem for any civil penalty assessed pursuant to section 70120 and may be proceeded against in the United States district court for any district in which such vessel may be found.

“(b) REIMBURSABLE COSTS.—

“(1) IN GENERAL.—Any vessel subject to the provisions of this chapter shall be liable in rem for the reimbursable costs incurred by any valid claimant related to implementation and enforcement of this chapter with respect to the vessel, including port authorities, facility or terminal operators, shipping agents, Federal, State, or local government agencies, and other persons to whom the management of the vessel at the port of supply is entrusted, and any fine or penalty relating to reporting requirements of the vessel or its cargo, crew, or passengers, and may be proceeded against in the United States district court for any district in which such vessel may be found.

“(2) REIMBURSABLE COSTS DEFINED.—In this subsection the term ‘reimbursable costs’ means costs incurred by any service provider, including port authorities, facility or terminal operators, shipping agents, Federal, State, or local government agencies, or other person to whom the management of the vessel at the port of supply is entrusted, for—

“(A) vessel crew on board, or in transit to or from, the vessel under lawful order, including accommodation, detention, transportation, and medical expenses; and

“(B) required handling under lawful order of cargo or other items on board the vessel.

##### “§ 70118. Enforcement by injunction or withholding of clearance

“(a) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of this chapter or of regulations issued hereunder, for cause shown.

“(b) WITHHOLDING OF CLEARANCE.—

“(1) If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under section 70120, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty under section 70120, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

“(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.

##### “§ 70119. Security of piers and wharfs

“(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall require any uncleared, imported merchandise remaining on the wharf or pier onto which it was unladen for more than 5 calendar days to be removed from the wharf or pier and deposited in the public stores or a general order warehouse, where it shall be inspected for determination of contents, and thereafter a permit for its delivery may be granted.

“(b) PENALTY.—The Secretary may impose an administrative penalty of \$5,000 for each bill of lading for general order merchandise remaining on a wharf or pier in violation of subsection (a).”

(b) CONFORMING AMENDMENT FOR IN REM LIABILITY PROVISION IN CHAPTER 701.—Section 2 of the Act of June 15, 1917 (50 U.S.C. 192) is amended—

- (1) by striking “Act,” each place it appears in subsection (c) and inserting “title,”; and
- (2) by adding at the end the following:

“(d) IN REM LIABILITY.—Any vessel subject to the provisions of this title that is used in violation of this title, or any regulations issued hereunder, shall be liable in rem for any civil penalty assessed pursuant to subsection (c) and may be proceeded against in the United States district court for any district in which such vessel may be found.

“(e) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of this title or of regulations issued hereunder, for cause shown.

“(f) WITHHOLDING OF CLEARANCE.—

“(1) If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under subsection (c), or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty or fine under subsection (c), the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

“(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary of the Department in which the Coast Guard is operating.”

(c) EMPTY CONTAINERS.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall review United States ports and transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the practices and policies in place to secure shipment of empty containers. The Secretary shall include in the report recommendations with respect to whether additional regulations or legislation is necessary to ensure the safe and secure delivery of cargo and to prevent potential acts of terrorism involving such containers.

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the last item and inserting the following:

“70117. In rem liability for civil penalties and certain costs

“70118. Enforcement by injunction or withholding of clearance

“70119. Security of piers and wharfs

“70120. Civil penalty”.

#### SEC. 3. MARITIME INFORMATION.

Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that provides a preliminary plan for the implementation of section 70113 of title 46, United States Code. The plan shall—

(1) identify Federal agencies with maritime information relating to vessels, crew, passengers, cargo, and cargo shippers, those agencies’ maritime information collection and analysis activities, and the resources devoted to those activities;

(2) establish a lead agency within the Department of Homeland Security to coordinate the efforts of other Department agencies in the collection of maritime information and to identify and avoid unwanted redundancy in those efforts;

(3) establish a timeline for coordinating the efforts of those Federal agencies in the collection of maritime information;

(4) include recommendations on co-locating agency personnel in order to maximize expertise, minimize costs, and avoid redundancy in both the collection and analysis of maritime information;

(5) establish a timeline for the incorporation of information on vessel movements derived through the implementation of sections 70114 and 70115 of title 46, United States Code;

(6) include recommendations on how to leverage information on commercial maritime information collected by the Department of the Navy, and identify any legal impediments that would prevent or reduce the utilization of such information outside the Department of the Navy;

(7) include recommendations on educating Federal officials on commercial maritime operations in order to facilitate the identification of security risks posed through commercial maritime transportation operations;

(8) include recommendations on how private sector resources could be utilized to collect or analyze information, along with a preliminary assessment of the availability and expertise of private sector resources;

(9) include recommendations on how to disseminate information collected and analyzed through Federal maritime security coordinator while considering the need for nondisclosure of sensitive security information and the maximizing of security through the utilization of State, local, and private security personnel; and

(10) include recommendations on the need for and how the Department could help support a maritime information sharing and analysis center for the purpose of collecting and disseminating real-time or near real-time information to and from public and private entities, along with recommendations on the appropriate levels of funding to help disseminate maritime security information to the private sector.

#### SEC. 4. INTERMODAL CARGO SECURITY PLAN.

(a) IN GENERAL.—In addition to the plan submitted under section 3, within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the following:

(1) SECURE SYSTEMS OF TRANSPORTATION.—A plan, along with timelines, for the implementation of section 70116 of title 46, United States Code. The plan shall—

(A) provide an update on current efforts by the Department of Homeland Security to ensure the physical screening or inspection of imported cargo;

(B) provide a preliminary assessment of resources necessary to evaluate and certify secure systems of transportation, and the resources necessary to validate that the secure systems of transportation are operating in compliance with the certification requirements;

(C) contain an analysis of the feasibility of establishing a user fee in order to be able to evaluate, certify, and validate secure systems of transportation;

(D) contain an analysis of the need and feasibility of establishing a system to inspect, monitor, and track intermodal shipping containers within the United States; and

(E) contain an analysis of the need and feasibility for developing international standards for secure systems of transportation, including recommendations, that includes an examination of working with appropriate international organizations to develop standards to enhance the physical security of shipping containers consistent with the provisions of section 70116 of title 46, United States Code.

(2) **RADIATION DETECTORS.**—A report on progress in the installation of a system of radiation detection at all major United States seaports, along with a timeline and expected completion date for the system. In the report, the Secretary shall include a preliminary analysis of any issues related to the installation or efficacy of the radiation detection equipment, as well as a cost estimate for completing installation of the system.

(3) **NON-INTRUSIVE INSPECTION AT FOREIGN PORTS.**—A report—

(A) on whether and to what extent foreign seaports have been willing to utilize screening equipment at their ports to screen cargo, including the number of cargo containers that have been screened at foreign seaports, and the ports where they were screened;

(B) indicating which foreign ports may be willing to utilize their screening equipment for cargo exported for import into the United States, and a recommendation as to whether, and to what extent, United States cargo screening equipment will be required to be purchased and stationed at foreign seaports for inspection; and

(C) indicating ways to increase the effectiveness of the targeting and screening activities of United States Customs Service inspectors who are stationed outside the United States and to what extent additional resources and program changes will be necessary to maximize scrutiny of cargo in foreign seaports that is destined for the United States.

(4) **COMPLIANCE WITH SECURITY STANDARD PROGRAMS.**—A plan to establish, validate, and ensure compliance with security standards that would require ports, terminals, vessel operators, and shippers to adhere to security standards established by or consistent with the National Transportation System Security Plan. The plan shall indicate what resources will be utilized, and how they would be utilized, to ensure that companies operate in compliance with security standards.

(b) **INSPECTOR GENERAL IMPLEMENTATION REPORT.**—One year after the date on which the plan described in subsection (a)(1) is submitted to the Committees, the Inspector General of the Department of Homeland Security shall transmit a report to those Committees evaluating the progress made by the Department in implementing the plan.

(c) **EVALUATION OF CARGO INSPECTION TARGETING SYSTEM FOR INTERNATIONAL INTERMODAL CARGO CONTAINERS.**—

(1) **IN GENERAL.**—Within 6 months after the date of enactment of this Act, and annually thereafter, the Inspector General of the Department of Homeland Security shall evaluate the system used by the Department to target international intermodal containers for inspection

and report the results of the evaluation to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. In conducting the evaluation, the Inspector General shall assess—

(A) the effectiveness of the current tracking system to determine whether it is adequate to prevent international intermodal containers from being used for purposes of terrorism;

(B) the sources of information, and the quality of the information at the time of reporting, used by the system to determine whether targeting information is collected from the best and most credible sources and evaluate data sources to determine information gaps and weaknesses;

(C) the targeting system for reporting and analyzing inspection statistics, as well as testing effectiveness;

(D) the competence and training of employees operating the system to determine whether they are sufficiently capable to detect potential terrorist threats; and

(E) whether the system is an effective system to detect potential acts of terrorism and whether additional steps need to be taken in order to remedy deficiencies in targeting international intermodal containers for inspection.

(2) **INCREASE IN INSPECTIONS.**—If the Inspector General determines in any of the reports required by paragraph (1) that the targeting system is insufficiently effective as a means of detecting potential acts of terrorism utilizing international intermodal containers, then within 12 months after that report, the Secretary of Homeland Security shall double the number of containers subjected to intrusive or non-intrusive inspection at United States ports or to be shipped to the United States at foreign seaports.

(d) **REPORT AND PLAN FORMATS.**—The Secretary and the Inspector General may submit any plan or report required by this section in both classified and redacted formats if the Secretary determines that it is appropriate or necessary.

#### **SEC. 5. JOINT OPERATIONS CENTER FOR PORT SECURITY.**

The Commandant of the United States Coast Guard shall report to Congress, within 180 days after the date of enactment of this Act, on the potential benefits of establishing joint operational centers for port security at certain United States seaports. The report shall consider the 3 Joint Operational Centers that have been established at Norfolk, Charleston, San Diego, and elsewhere and compare and contrast their composition and operational characteristics. The report shall consider—

(1) whether it would be beneficial to establish linkages to Federal maritime information systems established pursuant to section 70113 of title 46, United States Code;

(2) whether the operational centers could be beneficially utilized to track vessel movements under sections 70114 and 70115 of title 46, United States Code;

(3) whether the operational centers could be beneficial in the facilitation of intermodal cargo security programs such as the secure systems of transportation program;

(4) the extent to which such operational centers could be beneficial in the operation of maritime area security plans and maritime area contingency response plans and in coordinating the port security activities of Federal, State, and local officials; and

(5) include recommendations for the number of centers and their possible location, as well as preliminary cost estimates for the operation of the centers.

#### **SEC. 6. MARITIME TRANSPORTATION SECURITY PLAN GRANTS.**

Section 70107(a) of title 46, United States Code, is amended to read as follows:

“(a) **IN GENERAL.**—The Under Secretary of Homeland Security for Border and Transportation Security shall establish a grant program

for making a fair and equitable allocation of funds to implement Area Maritime Transportation Security Plans and to help fund compliance with Federal security plans among port authorities, facility operators, and State and local agencies required to provide security services. Grants shall be made on the basis of the need to address vulnerabilities in security subject to review and comment by the appropriate Federal Maritime Security Coordinators and the Maritime Administration. The grant program shall take into account national economic and strategic defense concerns and shall be coordinated with the Director of the Office of Domestic Preparedness to ensure that the grant process is consistent with other Department of Homeland Security grant programs.”

#### **SEC. 7. ASSISTANCE FOR FOREIGN PORTS.**

(a) **IN GENERAL.**—Section 70109 of title 46, United States Code, is amended—

(1) by striking “The Secretary,” in subsection (b) and inserting “The Administrator of the Maritime Administration,”; and

(2) by adding at the end the following:

“(c) **FOREIGN ASSISTANCE PROGRAMS.**—The Administrator of the Maritime Administration, in coordination with the Secretary of State, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Administrator and the Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.”

(b) **REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.**—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives a report on the security of ports in the Caribbean Basin. The report shall include the following:

(1) An assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security.

(2) An estimate of the number of ports in the Caribbean Basin that will not be secured by July 2004, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States.

(3) An assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin.

#### **SEC. 8. FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.**

Section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

“(c) **FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.**—The Secretary of Transportation shall establish a curriculum, to be incorporated into the curriculum developed under subsection (a)(1), to educate and instruct Federal and State officials on commercial maritime and intermodal transportation. The curriculum shall be designed to familiarize those officials with commercial maritime transportation in order to facilitate performance of their commercial maritime and intermodal transportation security responsibilities. In developing the standards for the curriculum, the Secretary

shall consult with each agency in the Department of Homeland Security with maritime security responsibilities to determine areas of educational need. The Secretary shall also coordinate with the Federal Law Enforcement Training Center in the development of the curriculum and the provision of training opportunities for Federal and State law enforcement officials at appropriate law enforcement training facilities."

#### SEC. 9. RESEARCH AND DEVELOPMENT.

(a) *IN GENERAL.*—Section 70107 of title 46, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) *RESEARCH AND DEVELOPMENT.*—

"(1) *IN GENERAL.*—As part of the research and development program within the Science and Technology directorate, the Secretary of Homeland Security shall conduct investigations, fund pilot programs, award grants, and otherwise conduct research and development across the various portfolios focused on making United States ports safer and more secure. Research conducted under this subsection may include—

"(A) methods or programs to increase the ability to target for inspection vessels, cargo, crewmembers, or passengers that will arrive or have arrived at any port or place in the United States;

"(B) equipment to detect accurately explosives, chemical, or biological agents that could be used to commit terrorist acts against the United States;

"(C) equipment to detect accurately nuclear or radiological materials, including scintillation-based detection equipment capable of signalling the presence of nuclear or radiological materials;

"(D) improved tags and seals designed for use on shipping containers to track the transportation of the merchandise in such containers, including 'smart sensors' that are able to track a container throughout its entire supply chain, detect hazardous and radioactive materials within that container, and transmit that information to the appropriate law enforcement authorities;

"(E) tools, including the use of satellite tracking systems, to increase the awareness of maritime areas and to identify potential terrorist threats that could have an impact on facilities, vessels, and infrastructure on or adjacent to navigable waterways, including underwater access;

"(F) tools to mitigate the consequences of a terrorist act on, adjacent to, or under navigable waters of the United States, including sensor equipment, and other tools to help coordinate effective response to a terrorist action;

"(G) applications to apply existing technologies from other areas or industries to increase overall port security; and

"(H) improved container design, including blast-resistant containers.

"(2) *IMPLEMENTATION OF TECHNOLOGY.*—

"(A) *IN GENERAL.*—In conjunction with ongoing efforts to improve security at United States ports, the Director of the Science and Technology Directorate, in consultation with other Department of Homeland Security agencies with responsibility for port security, may conduct pilot projects at United States ports to test the effectiveness and applicability of new port security projects, including—

"(i) testing of new detection and screening technologies;

"(ii) projects to protect United States ports and infrastructure on or adjacent to the navigable waters of the United States, including underwater access; and

"(iii) tools for responding to a terrorist threat or incident at United States ports and infrastructure on or adjacent to the navigable waters of the United States, including underwater access.

"(B) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the

Secretary of Homeland Security \$35,000,000 for each of fiscal years 2005 through 2009 to carry out pilot projects under subparagraph (A).

"(3) *ADMINISTRATIVE PROVISIONS.*—

"(A) *NO DUPLICATION OF EFFORT.*—Before making any grant, the Secretary of Homeland Security shall coordinate with other Federal agencies to ensure the grant will not be used for research and development that is already being conducted with Federal funding.

"(B) *ACCOUNTING.*—The Secretary of Homeland Security shall by regulation establish accounting, reporting, and review procedures to ensure that funds made available under paragraph (1) are used for the purpose for which they were made available, that all expenditures are properly accounted for, and that amounts not used for such purposes and amounts not expended are recovered.

"(C) *RECORDKEEPING.*—Recipients of grants shall keep all records related to expenditures and obligations of funds provided under paragraph (1) and make them available upon request to the Inspector General of the Department of Homeland Security and the Secretary of Homeland Security for audit and examination."

(b) *ANNUAL REPORT.*—Within 30 days after the beginning of each fiscal year from fiscal year 2005 through fiscal year 2009, the Director of the Science and Technology Directorate shall submit a report describing its research that can be applied to port security to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Select Committee on Homeland Security. The report shall—

(1) describe any port security-related research, including grants and pilot projects, that were conducted in the preceding fiscal year;

(2) describe the amount of Department of Homeland Security resources dedicated to research that can be applied to port security;

(3) describe the steps taken to coordinate with other agencies within the Department to ensure that research efforts are coordinated with port security efforts;

(4) describe how the results of the Department's research, as well as port security related research of the Department of Defense, will be implemented in the field, including predicted timetables;

(5) lay out the plans for research in the current fiscal year; and

(6) include a description of the funding levels for the research in the preceding, current, and next fiscal years.

#### SEC. 10. NUCLEAR FACILITIES IN MARITIME AREAS.

(a) *WATERWAYS.*—Section 70103(b) is amended by adding at the end thereof the following:

"(5) *WATERWAYS LOCATED NEAR NUCLEAR FACILITIES.*—

"(A) *IDENTIFICATION AND SECURITY EVALUATION.*—The Secretary shall—

"(i) identify all nuclear facilities on, adjacent to, or in close proximity to navigable waterways that might be damaged by a transportation security incident; and

"(ii) in coordination with the Secretary of Energy, evaluate the security plans of each such nuclear facility for its adequacy to protect the facility from damage or disruption from a transportation security incident originating in the navigable waterway, including threats posed by navigation, underwater access, and the introduction of harmful substances into water coolant systems.

"(B) *RECTIFICATION OF DEFICIENCIES.*—The Secretary, in coordination with the Secretary of Energy, shall take such steps as may be necessary or appropriate to correct any deficiencies in security identified in the evaluations conducted under subparagraph (A).

"(C) *REPORT.*—As soon as practicable after completion of the evaluation under subparagraph (A), the Secretary shall transmit a report, in both classified and redacted format, to the Senate Committee on Commerce, Science, and

Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Select Committee on Homeland Security—

"(i) describing the results of the identification and evaluation required by subparagraph (A);

"(ii) describing the actions taken under subparagraph (B); and

"(iii) evaluating the technology utilized in the protection of nuclear facilities (including any such technology under development)."

(b) *VESSELS.*—Section 70103(c)(3) of title 46, United States Code, is amended—

(1) by striking "and" after the semicolon in subparagraph (F);

(2) by striking "facility." in subparagraph (G) and inserting "facility; and"; and

(3) by adding at the end the following:

"(H) establish a requirement, coordinated with the Department of Energy, for criminal background checks of all United States and foreign seamen employed on vessels transporting nuclear materials in the navigable waters of the United States."

#### SEC. 11. TRANSPORTATION WORKER BACKGROUND INVESTIGATION PROGRAMS.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Secretary of Transportation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure—

(1) making recommendations (including legislative recommendations, if appropriate or necessary) for harmonizing, combining, or coordinating requirements, procedures, and programs for conducting background checks under section 70105 of title 46, United States Code, section 5103a(c) of title 49, United States Code, section 44936 of title 49, United States Code, and other provisions of Federal law or regulations requiring background checks for individuals engaged in transportation or transportation-related activities;

(2) setting forth a detailed timeline for implementation of such harmonization, combination, or coordination;

(3) setting forth a plan with a detailed timeline for the implementation of the Transportation Worker Identification Credential in seaports;

(4) making recommendations for a waiver and appeals process for issuing a transportation security card to an individual found otherwise ineligible for such a card under section 70105(c)(2) and (3) of title 46, United States Code, along with recommendations on the appropriate level of funding for such a process; and

(5) making recommendations for how information collected through the Transportation Worker Identification Credential program may be shared with port officials, terminal operators, and other officials responsible for maintaining access control while also protecting workers' privacy.

#### SEC. 12. REPORT ON CRUISE SHIP SECURITY.

(a) *IN GENERAL.*—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the security of ships and facilities used in the cruise line industry.

(b) *CONTENT.*—The report required by subsection (a) shall include an assessment of security measures employed by the cruise line industry, including the following:

(1) An assessment of the security of cruise ships that originate at ports in foreign countries.

(2) An assessment of the security of ports utilized for cruise ship docking.

(3) The costs incurred by the cruise line industry to carry out the measures required by the



*Maritime Transportation Security Act of 2002 (Public Law 107-295; 116 Stat. 2064) and the amendments made by that Act.*

(4) *The costs of employing canine units and hand-held explosive detection wands at ports, including the costs of screening passengers and baggage with such methods.*

(5) *An assessment of security measures taken by the Secretary of Homeland Security to increase the security of the cruise line industry and the costs incurred to carry out such security measures.*

(6) *A description of the need for and the feasibility of deploying explosive detection systems and canine units at ports used by cruise ships and an assessment of the cost of such deployment.*

(7) *A summary of the fees paid by passengers of cruise ships that are used for inspections and the feasibility of creating a dedicated passenger vessel security fund from such fees.*

(8) *The recommendations of the Secretary, if any, for measures that should be carried out to improve security of cruise ships that originate at ports in foreign countries.*

(9) *The recommendations of the Secretary, if any, on the deployment of further measures to improve the security of cruise ships, including explosive detection systems, canine units, and the use of technology to improve baggage screening, and an assessment of the cost of implementing such measures.*

### **SEC. 13. REPORT ON DESIGN OF MARITIME SECURITY GRANT PROGRAMS.**

*Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the design of maritime security grant programs that includes recommendations on—*

(1) *whether the grant programs should be discretionary or formula based and why;*

(2) *requirements for ensuring that Federal funds will not be substituted for grantee funds;*

(3) *targeting requirements to ensure that funding is directed in a manner that reflects a national, risk-based perspective on priority needs, the fiscal capacity of recipients to fund the improvements without grant funds, and an explicit analysis of the impact of minimum funding to small ports that could affect funding available for the most strategic or economically important ports; and*

(4) *matching requirements to ensure that Federal funds provide an incentive to grantees for the investment of their own funds in the improvements financed in part by Federal funds.*

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Hollings amendment at the desk be agreed to, the Committee-reported substitute, as amended, be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD as if read.

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

The amendment (No. 3669) was agreed to.

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

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2279), as amended, was read the third time and passed, as follows:

S. 2279

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Maritime Transportation Security Act of 2004".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents
- Sec. 2. Enforcement; pier and wharf security costs.
- Sec. 3. Security at foreign ports.
- Sec. 4. Federal and State commercial maritime transportation training.
- Sec. 5. Transportation worker background investigation programs.
- Sec. 6. Report on cruise ship security.
- Sec. 7. Maritime transportation security plan grants.
- Sec. 8. Report on design of maritime security grant programs.

### **SEC. 2. ENFORCEMENT; PIER AND WHARF SECURITY COSTS.**

(a) **IN GENERAL.**—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to firearms, arrests, and seizure of property), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70120;

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70123; and

(4) by inserting after section 70120 the following:

#### **"§ 70121. Enforcement by injunction or withholding of clearance**

"(a) **INJUNCTION.**—The United States district courts shall have jurisdiction to restrain violations of this chapter or of regulations issued hereunder, for cause shown.

"(b) **WITHHOLDING OF CLEARANCE.**—

"(1) If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under section 70119, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty under section 70119, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

"(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.

#### **"§ 70122. Security of piers and wharfs**

"(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary shall require any uncleared, imported merchandise remaining on the wharf or pier onto which it was unladen for more than 7 calendar days, not including any time the imported merchandise was held in federal custody, to be removed from the wharf or pier and deposited in the public stores or a general order warehouse, where it shall be inspected for determination of contents, and thereafter a permit for its delivery may be granted.

"(b) **PENALTY.**—The Secretary may impose an administrative penalty of \$5,000 on the consignee for each bill of lading for general order merchandise remaining on a wharf or pier in violation of subsection (a), except that no penalty shall be imposed if the violation was a result of force majeure."

(b) **CONFORMING AMENDMENTS.**—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by

striking the items following the item relating to section 70116 and inserting the following:

- "70117. In rem liability for civil penalties and certain costs
- "70118. Withholding of clearance
- "70119. Firearms, arrests, and seizure of property
- "70120. Enforcement by State and local officers
- "70121. Enforcement by injunction or withholding of clearance
- "70122. Security of piers and wharfs
- "70123. Civil penalty"

(2) Section 70117(a) of title 46, United States Code, is amended by striking "section 70120" and inserting "section 70123".

(3) Section 70118(a) of such title is amended by striking "under section 70120," and inserting "under that section."

### **SEC. 3. SECURITY AT FOREIGN PORTS.**

(a) **IN GENERAL.**—Section 70109 of title 46, United States Code, is amended—

(1) by striking "The Secretary," in subsection (b) and inserting "The Administrator of the Maritime Administration,"; and

(2) by adding at the end the following:

"(c) **FOREIGN ASSISTANCE PROGRAMS.**—The Administrator of the Maritime Administration, in coordination with the Secretary of State, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Administrator and the Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures."

(b) **REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.**—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives a report on the security of ports in the Caribbean Basin. The report shall include the following:

(1) An assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security.

(2) An estimate of the number of ports in the Caribbean Basin that will not be secured by July 2004, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States.

(3) An assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin.

### **SEC. 4. FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.**

Section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) **FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.**—The Secretary of Transportation shall establish a curriculum, to be incorporated into the curriculum developed under subsection (a)(1), to educate and instruct Federal and State officials on commercial maritime and intermodal transportation. The curriculum shall be designed to familiarize those officials with commercial maritime transportation in

order to facilitate performance of their commercial maritime and intermodal transportation security responsibilities. In developing the standards for the curriculum, the Secretary shall consult with each agency in the Department of Homeland Security with maritime security responsibilities to determine areas of educational need. The Secretary shall also coordinate with the Federal Law Enforcement Training Center in the development of the curriculum and the provision of training opportunities for Federal and State law enforcement officials at appropriate law enforcement training facilities.”.

#### SEC. 5. TRANSPORTATION WORKER BACKGROUND INVESTIGATION PROGRAMS.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Secretary of Transportation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure—

(1) making recommendations (including legislative recommendations, if appropriate or necessary) for harmonizing, combining, or coordinating requirements, procedures, and programs for conducting background checks under section 70105 of title 46, United States Code, section 5103a(c) of title 49, United States Code, section 44936 of title 49, United States Code, and other provisions of Federal law or regulations requiring background checks for individuals engaged in transportation or transportation-related activities;

(2) setting forth a detailed timeline for implementation of such harmonization, combination, or coordination;

(3) setting forth a plan with a detailed timeline for the implementation of the Transportation Worker Identification Credential in seaports;

(4) making recommendations for a waiver and appeals process for issuing a transportation security card to an individual found otherwise ineligible for such a card under section 70105(c)(2) and (3) of title 46, United States Code, along with recommendations on the appropriate level of funding for such a process; and

(5) making recommendations for how information collected through the Transportation Worker Identification Credential program may be shared with port officials, terminal operators, and other officials responsible for maintaining access control while also protecting workers' privacy.

#### SEC. 6. REPORT ON CRUISE SHIP SECURITY.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the security of ships and facilities used in the cruise line industry.

(b) CONTENT.—The report required by subsection (a) shall include an assessment of security measures employed by the cruise line industry, including the following:

(1) An assessment of the security of cruise ships that originate at ports in foreign countries.

(2) An assessment of the security of ports utilized for cruise ship docking.

(3) The costs incurred by the cruise line industry to carry out the measures required by the Maritime Transportation Security Act of 2002 (Public Law 107-295; 116 Stat. 2064) and the amendments made by that Act.

(4) The costs of employing canine units and hand-held explosive detection wands at ports, including the costs of screening passengers and baggage with such methods.

(5) An assessment of security measures taken by the Secretary of Homeland Security to increase the security of the cruise line industry and the costs incurred to carry out such security measures.

(6) A description of the need for and the feasibility of deploying explosive detection systems and canine units at ports used by cruise ships and an assessment of the cost of such deployment.

(7) A summary of the fees paid by passengers of cruise ships that are used for inspections and the feasibility of creating a dedicated passenger vessel security fund from such fees.

(8) The recommendations of the Secretary, if any, for measures that should be carried out to improve security of cruise ships that originate at ports in foreign countries.

(9) The recommendations of the Secretary, if any, on the deployment of further measures to improve the security of cruise ships, including explosive detection systems, canine units, and the use of technology to improve baggage screening, and an assessment of the cost of implementing such measures.

#### SEC. 7. MARITIME TRANSPORTATION SECURITY PLAN GRANTS.

Section 70107(a) of title 46, United States Code, is amended to read as follows:

“(a) IN GENERAL.—The Under Secretary of Homeland Security for Border and Transportation Security shall establish a grant program for making a fair and equitable allocation of funds to implement Area Maritime Transportation Security Plans and to help fund compliance with Federal security plans among port authorities, facility operators, and State and local agencies required to provide security services. Grants shall be made on the basis of threat-based risk assessments subject to review and comment by the appropriate Federal Maritime Security Coordinators and the Maritime Administration. The grant program shall take into account national security priorities, national economic, and strategic defense concerns and shall be coordinated with the Director of the Office of Domestic Preparedness to ensure that the grant process is consistent with other Department of Homeland Security grant programs.”.

#### SEC. 8. REPORT ON DESIGN OF MARITIME SECURITY GRANT PROGRAMS.

Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the design of maritime security grant programs that includes recommendations on—

(1) whether the grant programs should be discretionary or formula based and why;

(2) requirements for ensuring that Federal funds will not be substituted for grantee funds;

(3) targeting requirements to ensure that funding is directed in a manner that reflects a national, risk-based perspective on priority needs, the fiscal capacity of recipients to fund the improvements without grant funds, and an explicit analysis of the impact of minimum funding to small ports that could affect funding available for the most strategic or economically important ports; and

(4) matching requirements to ensure that Federal funds provide an incentive to grantees for the investment of their own funds in the improvements financed in part by Federal funds.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 1350

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the

Senate receives the House message to accompany H.R. 1350, the IDEA reauthorization bill, if the House amends the Senate amendment, the Senate disagree with the House amendment or insist upon its amendment, as is appropriate, and request a conference with the House on the disagreeing votes of the two Houses; provided, alternatively, that if the House requests a conference, the Senate agree to the request for a conference, and in either case the Chair be authorized to appoint conferees with a ratio of 11 to 10.

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

Mr. REID. Mr. President, this is the way we should proceed. This is excellent. I have confidence in Judd Gregg, the chairman of the committee. I don't agree with him lots of times, but he is a man who believes in the procedures we have established here many years ago. I am confident this will be a very successful conference.

Mr. McCONNELL. Mr. President, I, too, am pleased that we have been able to finally get to conference on IDEA. We hope the conferees will be successful shortly.

Mr. KENNEDY. Mr. President, I am pleased that we are going to conference on the reauthorization of the Individuals with Disabilities Education Act. This is the landmark Federal law that sets national standards for special education, and defines the rights of children with disabilities in our public schools.

We have ahead of us the key challenge of modernizing this important law to meet today's demands and to ensure that the rights of children with special needs truly are protected. Disabled does not mean unable. We must do everything possible to ensure that children with disabilities have the same opportunities to learn as other children.

I want to thank our committee chairman, Senator GREGG, for his leadership in guiding through the Senate a strong bipartisan bill to meet that challenge. I look forward to working closely with him, Chairman JOHN BOEHNER, Congressman GEORGE MILLER, and our other colleagues on the committee to produce a final bill that parents can support and that will enjoy bipartisan support.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, as in executive session, I ask unanimous consent that on Wednesday, immediately following morning business, the Senate proceed to executive session to consider the following nomination on today's Executive Calendar:

PORTER GOSS to be Director of Central Intelligence.

I further ask unanimous consent that there be 6 hours of debate, equally divided between the chairman and vice chairman or their designees; provided further that upon the use or yielding

back of that time, the Senate proceed to a vote on the confirmation of the nomination; further, that following the vote, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### ORDERS FOR WEDNESDAY, SEPTEMBER 22, 2004

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 22. 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 begin a period for morning business for up to 90 minutes, with the first 45 minutes under the control of the majority leader or his designee and the final 45 minutes under the control of the Democratic leader or his designee; provided further that following morning business, the Senate proceed to Executive Calendar No. 815, the nomination of PORTER GOSS to be Director of the Central Intelligence Agency, as provided under the previous order.

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

#### PROGRAM

Mr. McCONNELL. Mr. President, for the information of all Senators, tomorrow, following morning business, the Senate will begin consideration of the Goss nomination. Under the previous

order, there will be up to 6 hours of debate prior to a vote on confirmation. It is my hope we will not require the entire allotment of debate time. Senators should expect a vote on the nomination sometime tomorrow afternoon, and that vote will be the first vote of tomorrow's session.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:14 p.m., adjourned until Wednesday, September 22, 2004, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate September 21, 2004:

##### DEPARTMENT OF VETERANS AFFAIRS

WILLIAM A. MOORMAN, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS, VICE KENNETH B. KRAMER, TERM EXPIRED.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be brigadier general*

COL. MARSHALL K. SABOL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSORS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333 (B) AND 9336 (A):

##### *To be colonel*

KATHLEEN HARRINGTON, 0000  
PAUL E. PIROG, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1211:

##### *To be lieutenant colonel*

GEORGE J. KRAKIE, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1552.

##### *To be lieutenant colonel*

DAVID A. LUJAN, 0000  
MICHAEL C. SCHRAMM, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

##### *To be lieutenant colonel*

DOUGLAS A. HABERMAN, 0000  
EDWARD H. LINCH III, 0000  
KIRBY E. W. SIMMONS, 0000  
KEVIN J. STEVENS, 0000  
MATTHEW S. WARNER, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

##### *To be major*

MARTIN J. TOWEY, 0000

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be lieutenant colonel*

JOHN R. PELOQUIN, 0000

##### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be major*

RANDY O. CARTER, 0000

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be lieutenant commander*

DWAYNE BANKS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be lieutenant commander*

BILLY R. DAVIS, 0000  
BROOK DEWALT, 0000  
DOUGLAS GABOS, 0000  
MARGUERITE A. GILLILAND, 0000  
KIMBERLY S. MARKS, 0000  
PHILIP R. ROSI II, 0000  
JASON P. SALATA, 0000  
WILLIAM H. SPEAKS, 0000