United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, THURSDAY, JULY 14, 2005 *No. 95*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

O God, our refuge and fortress, we look to You for protection. We depend on You to do what is best for our Nation and world and cherish no desire to dictate the terms of Your providence. Gathering strength from the knowledge that You have protected us across the years of our lives, we trust You to remain the author and finisher of our destinies.

We pray today for the Members of Congress as they labor during a time of duress. Strengthen them to strive to preserve in our Nation the values that will keep it great. Renew in them the commitment to keep us one nation, sustained by Your power, indivisible, with liberty and justice for all.

Inspire us all to acknowledge You with our thoughts and deeds so that You will direct our paths. We pray in Your glorious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU 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, July 14, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, we will return to Homeland Security appropriations in just a few minutes. Last night, we entered into an agreement to provide for a series of five stacked votes beginning at 10 a.m. The first vote will be normal in length; however, the remaining votes in the series will be limited to 10-minute lengths. Senators should remain in or close to the Chamber for the purposes of voting. The two managers expect to stack other votes on amendments that are ready to be disposed of. We will announce shortly whether those will be added to the current list or if we will debate additional amendments and stack them for later this morning. It is possible to finish the Homeland Security bill today or this evening. We can do that if Senators cooperate over the course of the day.

We have other important appropriations bills to consider as well as other legislative matters, executive items, over the course of the next couple of days. In all likelihood, we will go to foreign operations tomorrow, assuming—and I hope—we will finish Homeland Security today.

I will turn to the Democratic leader, and then I have a few words on port security.

RECOGNITION OF THE MINORITY LEADER

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

COOPERATION OF SENATORS

Mr. REID. Mr. President, I say this to my colleagues or their staffs watching. We have spent considerable time on this bill. Yesterday was a little disjointed because of the funeral of Gaylord Nelson and the space shuttle blastoff that did not occur. We had a number of Senators who had gone to both of those events.

Under the order now before the Senate, the leader and I have the ability to offer amendments. I have one Senator who has come to me, and I think the amendment he has asked that I offer is appropriate, and I will do that. I will confer with Senator JUDD GREGG before I offer that amendment.

All good things need to come to an end, and we need to stop any amendments we now have with the dozen pending now. I prevailed upon the majority leader not to file cloture yesterday or Tuesday. I think that is appropriate.

For Members who have amendments to offer, if they have something they believe is extremely important, they can come to me, and I will make every consideration I can.

It is time we finish this bill. I don't know if we can finish it tonight. I hope we can. The leader said we will stay in tonight and work through as long as we need to. It is my understanding, regardless of what we do tonight, that we are going to try to move to another bill tomorrow, which is fine with me.

I say to my colleagues, if there are Members who have something to say

on this amendment or any amendments filed, do that because there is a time when the sun goes down and everyone will be in a hurry to get out of here. The fact is, if we have a lot of amendments stacked, we will not be able to do that.

The ACTING PRESIDENT pro tempore. The majority leader.

BORDER SECURITY

Mr. FRIST. Mr. President, people around the world know the United States as a land of freedom and opportunity.

We have remained that way in large part because we open our doors to immigrants.

We must continue to do so.

People come to America looking for a better life. We live better lives because of them. They contribute to our economy. They help weave the rich cultural fabric that makes up our society. But we must ensure that immigrants who come to America come here legally.

We face a crisis. Over 7,000 miles of land stretch across our borders. Our ports handle 16 million cargo containers. And 330 million noncitizens—students, visitors and workers—cross our borders every year.

An unprecedented flow of illegal immigrants, criminals, terrorists, and unsecured cargo also cross our borders. This challenges our standards of compassion and threatens our national security.

It also offers us an opportunity to define our Nation's future.

First and foremost, we face a grave humanitarian challenge. Last year, several hundred people died in the deserts and mountains that separate the United States from Mexico. Most died of exposure to the elements. Some died in accidents. An alarming number were murdered.

Along Arizona's southern border—the only area for which we have good data—over 20 people died as a result of hanging, blunt-force trauma, gun shot wounds and other apparently deliberate means during 2004.

But we have this data collected only because of the work of an Arizona newspaper. We don't know how many more corpses are buried in shallow, unmarked graves. Nobody keeps a complete database of deaths along our borders. And many apparent homicides go uninvestigated.

That's why I've asked the Government Accountability Office to produce a report on the deaths along our border as a guide to future action.

We must protect our Nation from those who seek to enter it illegally. But we have a higher, moral obligation to do our best to protect the life of every person who sets foot on American soil.

Second, the insecurity of our borders threatens America's national security. Each year, thousands of people cross our border illegally. The vast majority seek little more than better lives for their families. But some bring drugs. Some traffic in human beings. A few may even have links to terrorist groups.

We don't know exactly how many come. We don't know their backgrounds. Nor do we know who might want to harm us.

But we do know one thing: if drug dealers and human traffickers can operate on our borders, terrorists can as well.

Our national security requires a safer, more secure border. And our standards of compassion demand it. Anything else is morally unacceptable. We must act swiftly.

At the right time, Congress must reform our laws to strengthen and improve our immigration system. We also need free trade agreements like CAFTA, which we passed just before the July 4th recess. This will give economic hope to the people of Central America. It will give them greater opportunities to live more prosperous lives in their communities. But, for now, we must tighten enforcement of our borders. And that's what this bill does.

First, it dramatically increases the corps of border protection professionals. Congress has already added 500 border patrol agents this year. This bill adds 2,000 more patrol agents, investigators, and detention and deportation officers. After this bill, there will be nearly 41,000 people protecting our border. Our long-term goal should be 10,000 new border patrol agents within the next 5 years.

Second, this bill gives our border patrol more technology and training and aircraft. This will bolster security by, for example, doubling the number of ports subject to high-risk container checks.

Third, this bill strengthens the infrastructure that protects our borders. It provides more than $300 billion for frontline defenses—which will help prevent people from entering our country illegally.

Fourth, this bill increases funding for detention beds by 10 percent—boosting the total number of beds to 23,000. It does no good to increase our border patrol forces and border monitoring technology if we don't have the space to hold illegal aliens while their cases are being processed.

Simply put, we should not release individuals with criminal ties. Instead, our nation should detain them until their cases can be heard.

Over 400,000 individuals—nearly as many as live in Atlanta—have simply walked away from orders of deportation and removal. This is unacceptable.

By adding detention space, we can make sure that people entering the country illegally are not released back into the country while we are in the process of trying to send them back home. In all, this bill increases total spending on border security by nearly 12 percent for a total of nearly $10 billion.

I congratulate Chairman GREGG and Senator BYRD for their leadership in bringing this bill to the floor.

Immigrants have enhanced our history. And they will enhance our future. But we must make sure they to America legally. It's a matter of security in a time of war. It's also a matter of morality for a caring nation and a nation of laws.

RESERVATION OF LEADER TIME

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

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2360, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2360) making appropriations to the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Byrd amendment No. 1200, to provide funds for certain programs authorized by the Federal Fire Prevention and Control Act of 1974.

Akaka amendment No. 1113, to increase funding for State and local grant programs and firefighter assistance grants.

Dorgan amendment No. 1111, to prohibit the use of funds appropriated under this Act to promulgate the regulations to implement the plan developed pursuant to section 7209(b) of the Intelligence Reform Act of 2004.

Durbin (for Boxer) amendment No. 1216, to provide for the strengthening of security at nuclear power plants.

Durbin (for Stabenow) amendment No. 1217, to provide funding for interoperable communications equipment grants.

Gregg (for Ensign) modified amendment No. 1124, to transfer appropriated funds from the Office of State and Local Government Coordination and Preparedness to the U.S. Customs and Border Protection for the purpose of hiring 1,000 additional border agents and related expenditures.

McCain modified amendment No. 1150, to increase the number of border patrol agents consistent with the number authorized in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

McCain modified amendment No. 1171, to increase the number of detention beds and positions or FTEs in the United States consistent with the number authorized in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

Schumer amendment No. 1189, to provide that certain air cargo security programs are implemented.

Schumer amendment No. 1190, to appropriate $70,000,000 to identify and track hazardous materials shipments.

Reid (for Byrd) amendment No. 1218, to provide additional funding for intercity passenger rail transportation, freight rail, and mass transit.

Ensign amendment No. 1219 (to amendment No. 1124), of a perfecting nature.

Shelby modified amendment No. 1205, to appropriate funds for transit security grants for fiscal year 2006 authorized in the Public Transportation Terrorism Prevention Act of 2004.

Gregg amendment No. 1220 (to amendment No. 1205, as modified), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided by the two leaders or their designees.

The Senator from New Jersey.

AMENDMENT NO. 1208

Mr. CORZINE. I ask the pending amendment be set aside, and I call up amendment No. 1208.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. CORZINE] proposes an amendment numbered 1208.

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

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

The amendment is as follows:

At the appropriate place insert the following:

(a) FINDINGS.—The Senate finds that—

(1) On February 6, 2002, Director of Central Intelligence George Tenet testified that ''[A]l Qaeda or other terrorist groups might also try to launch conventional attacks against the chemical or nuclear industrial infrastructure of the United States to cause widespread toxic or radiological damage.''

(2) On April 27, 2005, the GAO found that ''Experts'' agree that the nation's chemical facilities present an attractive target for terrorists intent on causing massive damage. For example, the Department of Justice has concluded that the risk of an attempt in the foreseeable future to cause an industrial chemical release is both real and credible. Terrorist attacks involving the theft or release of certain chemicals could significantly impact the health and safety of millions of Americans, disrupt the local or regional economy, or impact other critical infrastructures that rely on chemicals, such as drinking water and wastewater treatment systems.''

(3) As of May 2005, according to data collected pursuant to the Risk Management Plan (RMP) of the Environmental Protection Agency (EPA), a worst-case release of chemicals from 2237 facilities would potentially affect between 10,000 and 99,999 people, a release from 493 facilities would potentially affect between 100,000 and 999,000, and a release from 111 facilities would potentially affect over one million.

(4) On April 27, 2005, the GAO found that EPA RMP data was based on a release from a single vessel or pipe rather than the entire quantity on site and that ''[A]n attack that breached multiple chemical vessels simultaneously could result in a larger release with potentially more severe consequences than those outlined in 'worst-case' scenarios.''

(5) On April 27, 2005, the GAO found that ''Despite efforts by DHS to assess facility vulnerabilities and suggest security improvements, no one has comprehensively assessed security at facilities that house chemicals nationwide.'' GAO further testified that ''EPA officials estimated in 2003, that voluntary initiatives led by industry associations only reach a portion of the 15,000 RMP facilities. Further, EPA and DHS have stated publicly that voluntary efforts alone are not sufficient to assure the public of the industry's preparedness.''

(6) On June 15, 2005, Thomas P. Dunne, Deputy Assistant Administrator for the Office of Solid Waste and Emergency Response of the EPA testified that ''[O]nly a fraction of U.S. hazardous chemical facilities are currently subject to Federal security requirements'' and that ''we cannot be sure that every high-risk chemical facility has taken voluntary action to secure itself against terrorism.''

(7) On June 15, 2005, Robert Stephan, Acting Undersecretary for Information Analysis and Infrastructure Protection and Assistant Secretary for Infrastructure Protection at the Department of Homeland Security testified that the Department ''has concluded that from the regulatory perspective, the existing patchwork of authorities does not permit us to regulate the industry effectively.'' Stephan further testified that ''[I]t has become clear that the entirely voluntary efforts of [chemical facility] companies alone will not sufficiently address security for the entire sector'' and that ''The Department should develop enforceable performance standards . . .''

(8) The Senate Committee on Homeland Security and Governmental Affairs, through a series of valuable and wide-ranging hearings, has demonstrated bipartisan commitment to effective Congressional action to protect Americans against a possible terrorist attack against chemical facilities.

(B) SENSE OF THE SENATE.—It is the Sense of the Senate that the Congress should pass legislation establishing enforceable federal standards to protect against a terrorist attack on chemical facilities within the United States.

Mr. CORZINE. Mr. President, I rise today to discuss one of the most glaring vulnerabilities in our Nation's homeland security—chemical plant security. This is an amendment which is agreed to on both sides. At the conclusion of my remarks, I will ask for unanimous consent that the amendment be agreed to.

It is a very simple amendment. It is a sense of the Senate that Federal standards should be established to protect chemical facilities from terrorist attacks.

I understand it is an indication of a consensus that is building across this Senate and across this country and in the Department of Homeland Security that we have a serious issue with regard to the infrastructure surrounding our chemical plants and the danger they present to the population that surrounds them—the neighborhoods, the people who live in these densely populated communities that surround these chemical plants.

The State of New Jersey, which is the most densely populated State in the Nation, has seven plants where more than a million people could be impacted by an explosion and the release of toxic chemicals. It is a real danger for our broader community, but it is true across the Nation as well.

The Pentagon and the United Nations together spent over $900 million over a 2-year period searching for weapons of mass destruction in Iraq, when in fact those weapons, chemical weapons, anyway, are right in our backyard. Unsecured chemical plants, arguably, are pre-positioned weapons of mass destruction right in the backyards of Americans.

That is why I offer this amendment today, to express the sense of the Senate that Congress should pass legislation establishing enforceable Federal standards to protect against a terrorist attack. There is a lot of work going on. The chair and ranking member of the Homeland Security and Governmental Affairs Committee are holding a series of hearings on chemical plants, I believe one even today, and they have done tremendous work.

I compliment Senator COLLINS and Senator LIEBERMAN and others in pursuing full efforts with regard to trying to establish a formula, a format for securing our chemical plants across this country. I will work with them shoulder to shoulder as we go forward on this effort. It is something I have been working on since October of 2001. So I compliment them. I also thank Senators JUDD and BYRD for their cooperation in allowing for this sense of the Senate to show there is momentum behind this effort as we go forward.

This is something that has been recognized by every expert as we have gone forward, particularly post 9/11. On February 6, 2002, Director of Central Intelligence George Tenet testified:

[A]l Qaeda or other terrorist groups might also try to launch conventional attacks against the chemical or nuclear industrial infrastructure of the United States to cause widespread toxic or radiological damage.

The threat continues to become more apparent almost by the day. On the day before last Thursday's criminal attacks took place in London, the Congressional Research Service released a study saying there were 111 plants in 23 States, such as those 7 in my State of New Jersey, that could kill more than a million people. Preventing such a terrorist attack, especially against plants where they are in these densely populated areas, should be one of our highest priorities.

These chemical plants present a clear and present danger to the American people. We have one that sits under a freeway that feeds the Holland Tunnel in metropolitan New York, northern New Jersey. Literally, hundreds of thousands of people transverse right over the top of a chlorine plant. It is open to exposure, surrounded by 12 million people, in that particular case.

The GAO reported on April 27, 2005:

Experts agree that the nation's chemical facilities present an attractive target for terrorists intent on causing massive damage.

Economic damage and loss of life. This is an important recognition. The GAO went on to say:

Terrorist attacks involving the theft or release of certain chemicals could significantly impact the health and safety of millions of Americans. . . .

In January of this year, Richard Falkenrath, the former Deputy Homeland Security Adviser to President Bush, called the threat of industrial chemicals ''acutely vulnerable and almost uniquely dangerous.'' He said:

These poorly secured chemicals, which in some cases are identical to the chemical

weapons used in World War I, are routinely present in vast, multi-ton quantities adjacent to or in the midst of many dense population centers.

Falkenrath went on to testify:

Toxic-by-inhalation industrial chemicals present a mass-casualty terrorist potential. . . .

I could go on and on. Expert after expert after expert has testified to this. On June 15 of this year, Thomas P. Dunne, the Deputy Assistant Administrator for the Office of Solid Waste and Emergency Response of the EPA, testified that:

[O]nly a fraction of U.S. hazardous chemical facilities are currently subject to Federal security requirements. . . .

This is a real problem. We are not doing enough. As a matter of fact, there are investigative reporters who have been able to walk on to many of these plants with unchallenged efforts. We need Federal standards to address a real problem. It needs to be done now. So I hope this sense-of-the-Senate amendment moves us forward. It is right in line with what is being asked for by the Department of Homeland Security.

The Assistant Secretary for Infrastructure Protection at the Department of Homeland Security testified that the Department:

has concluded that from the regulatory perspective, the existing patchwork of authorities does not permit us to regulate the industry effectively.

He further testified:

The Department should develop enforceable performance standards. . . .

There is widespread agreement on this. I think we need to move forward. I encourage and support the efforts of Senators COLLINS and LIEBERMAN. It is time we move forward so we are not looking back after the fact on something we have been warned, and warned time and again, is a danger to the American people. I hope this amendment will help us proceed on that.

Mr. President, I urge the adoption of the amendment at the appropriate time. I do believe the amendment has been agreed to on both sides, but I do not see either of the managers on the floor, so I suppose——

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment? If not, without objection, the amendment is agreed to and the motion to reconsider is laid upon the table.

The amendment (No. 1208) was agreed to.

Mr. CORZINE. Thank you, 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. GREGG. 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. GREGG. Mr. President, we are about to begin a series of votes. There will be five votes. Many of these votes are on proposals to spend money above the allocations which we have in this budget. That is unfortunate and I think probably not good fiscal discipline or appropriate action.

I do think, however, it is important to look at the underlying bill as to its substance and its implications because I believe, through a bipartisan effort on the Appropriations Committee, working closely with the Senator from West Virginia and other members of the committee, we have been able to put together a bill which responds to many of the concerns that our Senate colleagues and the American people have.

I think if you ask the American people what they most fear relative to terrorist acts in the United States, it is terrorists who get their hands on a weapon of mass destruction. We know if biological or chemical weapons were used or, God forbid, a nuclear device was used in any of our major cities, the damage would be overwhelming. We know from his own testimony that it is Osama bin Laden's intention and the intention of his organizations to obtain those types of weapons and to try to use them against western cultures. Why? Because they are willing to kill people indiscriminately to make their political points. They are people without regard for human life, and they are people who act outside the boundaries of any norm of civilization.

I think if you talk to most Americans, they will tell you they are concerned about our borders. The fact is they read every day in the papers and they see on the streets situations which reflect the fact that people are coming into our country unaccounted for, that we have approximately 3 million people every year who are entering this country illegally, that we have somewhere between 8 million and 16 million people who are in this country illegally, that of the 300 to 500 million people who come across our borders legally, we do not have any idea who most of these people are and what their purposes are.

The vast majority of those people coming into this country legally are coming here to take advantage of America's good lifestyle or our business climate or to visit us and see our Nation, which we appreciate. But a very small percentage, unfortunately, come here with ill intent. And the American people rightly ask, Why is the Federal Government unable to control our borders?

Of course, there is a history to this. We are a nation that has always honored the openness of our borders. I remember growing up in New Hampshire, as does the Presiding Officer. We took great pride as a nation in the fact that people in the northern tier could travel into Canada and people from Canada could travel into the United States at will. They did, and they still try to. They still do, to a large degree.

People along our northern border in the New England region shop in Canada for their groceries. They get their haircuts in Canada. They take their boats up across the Canadian border and go fishing. And the same goes the other way. It used to be historically, until the Canadian dollar got a little weak, that the No. 1 tourist in New England was a Canadian coming down to take advantage of our coastlines or our mountains and enjoy the summer weather.

So this relationship has built up over literally hundreds of years. But now we have to be more vigilant. We know that, and especially along our southern border, where not only are there people coming across the border who are coming here to seek jobs, but there are people coming across the border who wish us ill will.

This bill has attempted to address this issue. We have done it in an aggressive way. As I said, there are 3 million people coming across our border illegally, as this chart shows. Of that group, unfortunately, a large number are not Mexicans. This is the biggest change we are seeing. For the most part, we know most people coming across our border who are of Mexican lineage are seeking jobs. They are seeking a better lifestyle. They are trying to improve their quality of life.

We now also see a large number of people coming across the Mexican border illegally who are not Mexicans, almost 100,000 a year. This is a serious problem for us because we do not know what countries they come from, and we know some of the countries they come from have a history of producing individuals who wish us ill will.

So what we did in this bill is we radically increased the number of Border Patrol agents. We are trying to expand our capacity as quickly as we can in putting feet on the ground on the border. That is what we have done here. We have added 1,000 new agents in this bill. We added 500 in the supplemental. That is 1,500 new agents. That is actually more than the Border Patrol has the capability to train—about 200 or 300 more—but we are putting pressure on them to accomplish that.

We also have increased training facilities so next year we will hopefully be able to add 2,000 or 2,500, and the following year 2,500, and the following year 2,500. Our goal is to increase the number of Border Patrol agents by 10,000 people over the next 4 or 5 years. But we have to ramp up to it. This year we are making an aggressive step in that direction with 1,500.

In addition, we have added over 4,100 detention beds because we know when a Border Patrol agent catches someone who is in this country illegally that, unfortunately, they are having to let a lot of people go or send them out on their personal recognizance. That is not acceptable. So we added 2,200 beds in this bill. We added 1,900 beds in the supplemental. We are ramping up our capacity to hold people here who may be a danger to us.

This bill is focused on threat. That is the purpose of this bill. It realigns our efforts as a Senate to focus the Homeland Security effort on what are the priority threats, the No. 1 threat being weapons of mass destruction. The No. 2 threat is the fact that our borders are so porous.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator's time has expired.

Mr. GREGG. I appreciate the courtesy of the Presiding Officer and the Senate.

AMENDMENT NO. 1219 TO AMENDMENT NO. 1124

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will proceed to a series of votes.

Under the previous order, there are now 2 minutes equally divided prior to a vote on amendment No. 1219 to amendment No. 1124. Who yields time?

The Senator from Nevada.

Mr. ENSIGN. Madam President, I urge my colleagues to support the Ensign-McCain amendment. Last year during the debate on the national intelligence reform bill, we adopted several of the recommendations of the 9/11 Commission, including hiring 2,000 agents per year for border control. This bill, while it is an increase over what the President requested, only funds 1,000 new agents. What our amendment will do is fund the full 2,000. It will fund an additional 1,000 on top of what the original bill does. The offset to pay for this does not increase the deficit. It is all paid for under the bill. Some may question whether this offset makes any sense. I believe it does because we have limited resources at the Federal level, and we must spend those wisely.

As recently as this past Sunday, a CBS News report did a segment on how some local governments were spending their dollars. These funds have been used to purchase defibrillators used at high school basketball games, not for national security, trailers to haul lawnmowers to annual lawnmower races. The program has been used to purchase Segway scooters at a computerized towing service.

I urge our colleagues to support strengthening our borders and not using the money in wasteful ways.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, this amendment seeks to strengthen the borders, which is a good goal, but at an awful price. It could take 24 percent of our money away from our first responders—police, firefighters, emergency technicians. In every one of the States we had an argument the other day that we don't get enough money for these people, that whether you are from Wyoming or Kansas or Maine or New York, there is not enough money for our first responders. There is nothing that says we have to rob Peter to pay Paul. That is the problem here. It is not in strengthening the borders. It is in taking money away from the people every day who defend us and, since 9/11, have new duties. That is why both Senator GREGG and Senator BYRD, the chairman and ranking member of the Appropriations Subcommittee on Homeland Security, are against this amendment. There is bipartisan opposition to it because our police, our firefighters, our medical technicians are the ones who need the help. Don't take money away from localities to put into this Federal pot.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1219.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—38

Allard	DeMint	Martinez
Allen	Dole	McCain
Bennett	Domenici	McConnell
Bingaman	Ensign	Murkowski
Brownback	Enzi	Roberts
Bunning	Frist	Salazar
Burns	Graham	Sessions
Burr	Grassley	Shelby
Chambliss	Hagel	Sununu
Coburn	Hatch	Thomas
Cornyn	Hutchison	Thune
Craig	Isakson	Warner
Crapo	Kyl	

NAYS—60

Akaka	Dorgan	Murray
Alexander	Durbin	Nelson (FL)
Baucus	Feingold	Nelson (NE)
Bayh	Feinstein	Obama
Biden	Gregg	Pryor
Bond	Harkin	Reed
Boxer	Inhofe	Reid
Byrd	Inouye	Rockefeller
Cantwell	Jeffords	Santorum
Carper	Johnson	Sarbanes
Chafee	Kennedy	Schumer
Clinton	Kerry	Smith
Cochran	Kohl	Snowe
Coleman	Landrieu	Specter
Collins	Lautenberg	Stabenow
Conrad	Leahy	Stevens
Corzine	Levin	Talent
Dayton	Lieberman	Vitter
DeWine	Lincoln	Voinovich
Dodd	Lugar	Wyden

NOT VOTING—2

Lott	Mikulski

The amendment (No. 1219) was rejected.

Mr. NELSON of Nebraska. Mr. President, today's vote pitted two of America's top priorities against each other in a face off over Federal funding. Our national security interests are inherent is both securing our borders to keep terrorists out and providing first responders the resources they need to detect, prevent and respond to emergencies and terrorism.

The underlying bill supports 1,000 new border patrol agents. That is a significant investment in securing our borders. The amendment we voted on would have added funding for an additional 1,000 agents, but redirected funds away from scarce first responder resources.

We need to make border control and first responders copriorities. Considering the existing funding in the underlying bill for 1,000 new border patrol agents, I simply could not support an amendment that would strip funds from our police officers, firefighters, and emergency response personnel. For most people, homeland security is really hometown security. Our States rely heavily on these first responder funds to keep our communities safe.

VOTE ON AMENDMENT NO. 1124

The PRESIDING OFFICER. The question is on agreeing to the first-degree amendment No. 1124.

The amendment (No. 1124) was rejected.

AMENDMENT NO. 1189

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided prior to the vote on the motion to waive the Budget Act point of order on the Schumer amendment No. 1189.

Mr. SCHUMER. Madam President, I ask unanimous consent that the vote be 10 minutes on this amendment and the next one.

The PRESIDING OFFICER. That has previously been ordered.

Who yields time? The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment deals with air cargo. We have done a very fine job in making our air travel safer when it comes to passengers. They are checked very well to prevent them from smuggling not only metal but now explosives onto planes.

However, most passenger planes—more than half—carry cargo in the belly of the plane. That cargo is not inspected. So somebody who, God forbid, would want to do damage could smuggle explosives into the cargo and detonate it and do just as much damage as a passenger.

This amendment very simply provides $302 million to provide for air cargo security, $200 million for existing air cargo security countermeasures, $2 million for a pilot program on hardened containers, and $100 million for research.

We have learned since 9/11 that terrorists look for our weakest pressure point. Cargo is our weakest pressure point on air travel, and I urge support of the amendment.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from New Hampshire.

Mr. GREGG. Madam President, this amendment would add to the deficit by $302 million. It exceeds the committee's allocation. More importantly than that—or equally important—the Department cannot spend this money. The Department does not have in place yet the plans necessary to pursue this type of technology.

The administration asked for $40 million in this account. The committee

put $50 million into this account. We believe the first focus should be on pilot security relative to cargo, which is what we are working on right now, and then moving forward with technology which we are also working on, but we should do it in an orderly way, and this amendment would create a disorderly process and, as I said, add $302 million to the deficit.

I hope people will vote not to waive the budget point of order.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act point of order. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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

The yeas and nays resulted—yeas 45, nays 53, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—45

Akaka	Feingold	Lincoln
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Hutchison	Nelson (NE)
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Clinton	Kohl	Salazar
Corzine	Landrieu	Sarbanes
Dayton	Lautenberg	Schumer
Dodd	Leahy	Snowe
Dorgan	Levin	Stabenow
Durbin	Lieberman	Wyden

NAYS—53

Alexander	Crapo	McCain
Allard	DeMint	McConnell
Allen	DeWine	Murkowski
Bennett	Dole	Roberts
Bond	Domenici	Santorum
Brownback	Ensign	Sessions
Bunning	Enzi	Shelby
Burns	Frist	Smith
Burr	Graham	Specter
Chafee	Grassley	Stevens
Chambliss	Gregg	Sununu
Coburn	Hagel	Talent
Cochran	Hatch	Thomas
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Conrad	Kyl	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	

NOT VOTING—2

Lott	Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

AMENDMENT NO. 1190

Under the previous order, there are now 2 minutes equally divided on the motion to waive the budget point of order on the Schumer amendment No. 1190. The Senator from New York.

Mr. SCHUMER. Madam President, what I have been attempting to do in some of these amendments is look for our weakest pressure points because the terrorists also know where we have done things, and they know where we have not done enough. A place where we are completely weak is truck security. We have seen that terrorists have used trucks to hurt us—in New York City at the World Trade Center in 1993, of course in Oklahoma City a few years later, and in Europe and around the world as well. A truck loaded with explosives can do terrible damage at a football stadium, at a skyscraper or another place that is heavily populated.

The interesting thing is that technology does exist to track trucks the way we track airplanes. It is GPS. It is not very expensive. But since the truck market is so fragmented, no one company does it alone, even though many companies have GPS systems in their trucks, mainly for theft.

We provide just $70 million, not very much, to develop and implement a system for identification and tracking only of hazardous material trucks—those that carry gasoline, explosives, chlorine—that could be used for terrible purposes. If we can't afford $70 million to do this—and I disagree with my friend from New Hampshire, we are not doing enough now—then we ought to look into the mirror. I hope this amendment will be supported.

Mr. GREGG. Mr. President, I point out initially that this amendment exceeds the budget allocation of the committee and is a deficit spending item. More important than that, the Department of Homeland Security does not yet have the technology nor the pilot programs capable of doing this. They will be pursuing this course of action when they are ready to do this in an effective and comprehensive way, and we will fund it.

Again, there dollars are being put in a problem that there is no solution for at this time. The Department has not asked for money for this because they know they are not capable of handling it yet. We will certainly pursue this activity, if it is appropriate, as the Department gets their pilot programs in place and shows that they can handle this type of program. Right now it is premature. In addition, of course, it is deficit spending.

I hope Senators support the budget point of order and vote against waiving it.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have already been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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

The yeas and nays resulted—yeas 36, nays 62, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—36

Akaka	Durbin	Lieberman
Bayh	Feingold	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Jeffords	Obama
Boxer	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Clinton	Kohl	Salazar
Corzine	Landrieu	Sarbanes
Dayton	Lautenberg	Schumer
Dodd	Leahy	Stabenow
Dorgan	Levin	Wyden

NAYS—62

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

NOT VOTING—2

Lott	Mikulski

The PRESIDING OFFICER. On this vote the yeas are 36, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

AMENDMENT NO. 1221, AS MODIFIED

Mr. GREGG. Mr. President, I ask unanimous consent that the previously agreed to Hatch amendment numbered 1221 be modified with the changes that are at the desk.

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

The amendment (No. 1221), as modified, was agreed to, as follows:

(A) On line 2, page 2, strike''.'' and insert'';''.

(B) Add at the end, ''provided that the balance shall be allocated from the funds available to the Secretary of Homeland Security for States, urban areas, or regions based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security presidential directive 8 (HSPD–8).''

AMENDMENT NO. 1171

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided prior to the vote on McCain amendment No. 1171.

Who yields time?

Mr. MCCAIN. Mr. President, before I use my minute, I ask unanimous consent that Senator KYL and Senator BROWNBACK be added as cosponsors.

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

Mr. MCCAIN. Mr. President, the Intelligence Reform and Terrorism Prevention Act, which we passed 7 months ago, authorized 8,000 new detention beds. This bill provides for about a

quarter of that. The Border Patrol now releases 90 percent of the people they catch through voluntary repatriation—90 percent. My friends, anybody who comes into the United States of America across our southern border today and is from a country other than Mexico, there is a 95-percent chance they will continue their journey to wherever they want to go. We don't have enough detention facilities. We don't have enough beds.

Mr. President, here is a story:

Twenty Brazilians glided across the Rio Grande in rubber rafts propelled by Mexican smugglers who leaned forward and breaststroked through the gentle current.

Once on the U.S. side, the Brazilians scrambled ashore and started looking for the Border Patrol. Their quick and well-rehearsed surrender was part of a growing trend that is demoralizing the Border Patrol and beckoning a rising number of illegal immigrants from countries beyond Mexico.

''We used to chase them; now they're chasing us,'' Border Patrol Agent Gus Balderas said as he frisked the Brazilians.

Mr. President, we have to provide sufficient facilities.

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

Mr. MCCAIN. I ask my colleagues to approve this much needed legislation.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. GREGG. Mr. President, I suggest all time be yielded back.

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

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The PRESIDING OFFICER. Are there any Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 42, nays 56, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—42

Allard	Crapo	Inhofe
Allen	DeMint	Isakson
Bayh	Dodd	Jeffords
Bennett	Dole	Kyl
Bingaman	Domenici	Lugar
Boxer	Ensign	Martinez
Brownback	Enzi	McCain
Bunning	Feinstein	McConnell
Burns	Frist	Salazar
Burr	Graham	Santorum
Chambliss	Grassley	Sessions
Coburn	Hagel	Thune
Cornyn	Hatch	Vitter
Craig	Hutchison	Warner

NAYS—56

Akaka	Collins	Kennedy
Alexander	Conrad	Kerry
Baucus	Corzine	Kohl
Biden	Dayton	Landrieu
Bond	DeWine	Lautenberg
Byrd	Dorgan	Leahy
Cantwell	Durbin	Levin
Carper	Feingold	Lieberman
Chafee	Gregg	Lincoln
Clinton	Harkin	Murkowski
Cochran	Inouye	Murray
Coleman	Johnson	Nelson (FL)
Nelson (NE)	Sarbanes	Stevens
Obama	Schumer	Sununu
Pryor	Shelby	Talent
Reed	Smith	Thomas
Reid	Snowe	Voinovich
Roberts	Specter	Wyden
Rockefeller	Stabenow	

NOT VOTING—2

Lott	Mikulski

The amendment (No. 1171) was rejected.

Mr. GREGG. I ask unanimous consent that after this vote, which is the final vote of this group, there be 3 hours to be divided in the usual form to be used concurrently on the amendments; provided further that following the use or yielding back of debate time, the Senate proceed to the votes in relation to the following amendments: Senator BYRD's amendment 1218; my amendment No. 1220, as modified; Senator SHELBY's amendment 1205. Provided further that no second-degree amendments be in order and the amendments be prior to the votes.

The time will be divided as follows under the 3-hour agreement: Senator SHELBY, 15 minutes; Senator SCHUMER, 15 minutes; Senator REED of Rhode Island, 15 minutes; Senator CARPER, 15 minutes; Senator BIDEN, 15 minutes; Senator SARBANES, 15 minutes; Senator BYRD, 15 minutes; and I will retain an hour.

Mr. REID. Mr. President, it is my understanding I have 15 minutes and Senator JACK REED has 15 minutes.

The PRESIDING OFFICER. That is correct.

Without objection, it is so ordered.

Mr. BYRD. Will the Senator yield?

Mr. GREGG. I yield.

Mr. BYRD. May I make a unanimous consent request before we proceed?

Mr. GREGG. Proceed.

Mr. BYRD. I ask unanimous consent that the following Senators have their names added as cosponsors to the Byrd amendment numbered 1200: Senators WARNER, COLLINS, MURRAY, STABENOW, KOHL, SARBANES, LEVIN, and CANTWELL.

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

Mr. GREGG. As I understand it, the prior unanimous consent request that I asked for reflects the Democratic leader's time was also agreed to.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Thank you.

AMENDMENT NO. 1217

The PRESIDING OFFICER. Under the previous order, there are 2 minutes equally divided prior to a vote on a point of order to waive the Budget Act on the Stabenow amendment numbered 1217.

Ms. STABENOW. Mr. President, I ask unanimous consent to add Senator DURBIN as a cosponsor of the amendment.

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

Ms. STABENOW. Our primary goal as the Senate must be to make sure our families are prepared and protected. That means preparing our first responders. This amendment is an amendment to provide the first installment on fully investing in interoperability communications, $5 billion in emergency spending, which is the equivalent of 1 month spending in Iraq, in order to make sure we can talk to each other—State, Federal, local, police, fire, and emergency responders.

When our cities were attacked, they were not attacking individual cities; they were attacking our country. No longer is interoperable communications just a State and local function. It must be committed to nationally to keep America safe.

Finally, my distinguished friend from New Hampshire I am sure will say the Department still has funds that have not been allocated. My question is, Why not? Let's get about the business of keeping prepared and protected.

The PRESIDING OFFICER. The Democratic leader.

AMENDMENT NO. 1222

Mr. REID. Mr. President, I ask unanimous consent that prior to this vote the pending amendment be set aside so I can send this amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. 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. 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. I have no objection to the request by the Democratic leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. LEVIN, Mr. ROCKEFELLER, and Mr. BIDEN, proposes an amendment numbered 1222.

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

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

The amendment is as follows:

(Purpose: To prohibit Federal employees who disclose classified information to persons not authorized to receive such information from holding a security clearance)

At the appropriate place, insert the following:

SEC. ___. No Federal employee who discloses, or has disclosed, classified information, including the identity of a covert agent of the Central Intelligence Agency, to a person not authorized to receive such information shall be permitted to hold a security clearance for access to such information.

AMENDMENT NO. 1217

Mr. GREGG. Mr. President, I understand I have a minute now in opposition to the amendment by the Senator from Michigan.

The PRESIDING OFFICER. That is correct.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, this will be a $5 billion budget buster. It is $5 billion above the allocation. Just as significant, it is declared an emergency. Now, under the budget rules, an emergency is something that is sudden, urgent, or unforeseen. Clearly, this is not a sudden, urgent, or unforeseen event. In fact, we have spent over $1.8 billion already on interoperability. There are significant dollars in the bill for interoperability.

The problem with interoperability is, quite simply, no one can agree on what the interoperability should be yet. In fact, we spent 10 years trying to reach a regime on this. It is called standard P25. It has not been reached yet. We will continue to put money into interoperability, but this money will be misallocated and misspent if it is put in at this level. And it would clearly add to the deficit by $5 billion.

So I hope people will support the budget point of order to make the point this is not an emergency. Should this point of order be sustained, there may be another vote. We will have to wait and see what the Senator from Michigan wants to do.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to waive. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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

The yeas and nays resulted—yeas 35, nays 63, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—35

Akaka	Feinstein	Lincoln
Baucus	Harkin	Murray
Bayh	Jeffords	Obama
Biden	Johnson	Pryor
Boxer	Kennedy	Reed
Byrd	Kerry	Reid
Cantwell	Kohl	Rockefeller
Clinton	Landrieu	Salazar
Corzine	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Durbin	Lieberman	

NAYS—63

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

NOT VOTING—2

Lott Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 35, the nays are 63. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the emergency designation on the amendment falls.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thought the motion was on the emergency designation. The amendment would survive that, and we would need a vote on the amendment. I ask for a voice vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1217.

The amendment (No. 1217) was rejected.

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

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, we are now proceeding under a prior unanimous consent agreement relative to debate on the three amendments dealing with mass transit and rail. I hope that Members who have time allocated under that agreement will come over and begin the debate. Otherwise, I recommend that the time be equally divided in the quorum call between my hour and the 2 hours on the other side and that the time come off those in the proper proportion.

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. 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.

AMENDMENT NOS. 1117, 1118, 1137, 1108, 1197, AND 1194, EN BLOC

Mr. GREGG. Mr. President, I ask unanimous consent that amendment No. 1117, Senator NELSON; amendment No. 1118, Senator NELSON; amendment No. 1137, Senator COLLINS; amendment No. 1108, Senator LOTT; amendment No. 1197, Senator LAUTENBERG; and amendment No. 1194, Senator NELSON, which are at the desk, be called up and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are agreed to.

The amendments were agreed to as follows:

(Purpose: To provide for clear, concise, and uniform guidelines for reimbursement for hurricane debris removal for counties affected by hurricanes)

AMENDMENT NO. 1117

On page 100, between lines 11 and 12, insert the following:

SEC. 5_____. In light of concerns regarding inconsistent policy memoranda and guidelines issued to counties and communities affected by the 2004 hurricane season, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall provide clear, concise, and uniform guidelines for the reimbursement to any county or government entity affected by a hurricane of the costs of hurricane debris removal.

AMENDMENT NO. 1118

(Purpose: To provide for a report describing changes made to Federal emergency preparedness and response policies and practices in light of the May 20, 2005 DHS Inspector General's Report)

On page 100, between lines 11 and 12, insert the following:

SEC. 5_____. Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing any changes to Federal emergency preparedness and response policies and practices made as a result of the report of the Inspector General of the Department of Homeland Security, dated May 20, 2005, relating to the individual and household program of the Federal Emergency Management Agency in Miami-Dade County, Florida, in response to Hurricane Frances.

AMENDMENT NO. 1137

(Purpose: To allow additional uses for funds provided under the law enforcement terrorism prevention grants)

On page 78, line 12, strike the period at the end and insert the following: '': Provided further, That funds made available under this paragraph may be used for overtime costs associated with providing enhanced law enforcement operations in support of Federal agencies for increased border security and border crossing enforcement.''.

Ms. COLLINS. Mr. President, the Collins amendment, No. 1137, would allow the use of law enforcement terrorism prevention funds to be used for overtime costs associated with providing law enforcement operations in support of Federal agencies for increased border security and border crossing enforcement.

I am pleased to be joined in this amendment by Senator DORGAN.

There has been considerable discussion in recent months on the need to improve border security. One way to do this is to increase the number of Border Patrol Agents. But it takes significant time to recruit and train new Federal law enforcement agents. A more immediate way to improve border security is to activate our existing State, local, and tribal law enforcement partners as a back-up force in support of Federal border agents.

This is not a new idea. The Department of Homeland Security has authorized this use with different funds

in the past. Beginning with the last Federal election period up until the Presidential inauguration last January, Operation Stonegarden permitted reimbursement for State and local law enforcement activities that assisted Federal officials in securing the border.

My own State of Maine participated in that operation with a great degree of success. Arthur Cleaves, the Director of the Maine Emergency Management Agency, told me that Maine realized the Nation's second highest level of agency participation in Operation Stonegarden with 22 State, county, local, and tribal agencies involved. These dedicated law enforcement professionals assisted the Border Patrol Sector in Houlton, ME, with increased patrols, reporting of incidents, and arrests of significant persons attempting to enter the United States from Canada. In fact, according to the final report on the program's activities in Maine, more than 12 arrests of persons on Government watch lists were made by State and local law enforcement in Maine.

Now, however, the Department proposes to pull the rug out from under border States by allowing urban area grant funds to be used for such border security efforts, but not State grant funds.

This approach makes no sense whatsoever. And when my staff asked, even the Department could not explain the rationale behind the policy of allowing interior cities—but not more rural border areas—to use Federal funds to partner with State, local, and tribal law enforcement to protect our borders.

Partnering with State and local law enforcement is a proven and cost effective way to buttress our Nation's Federal border security efforts. I urge its adoption.

AMENDMENT NO. 1108

(Purpose: To express the sense of the Senate regarding a study of the potential use of FM radio signals for an emergency messaging system)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. It is the sense of the Senate that the Secretary of Homeland Security should conduct a study of the feasibility of leveraging existing FM broadcast radio infrastructure to provide a first alert, encrypted, multi-point emergency messaging system for emergency response using proven technology.

AMENDMENT NO. 1197

(Purpose: To clarify authorization for port security grants)

On page 78, line 19 after ''based on'', insert ''risk and''.

AMENDMENT NO. 1194

(Purpose: To require the Under Secretary for Emergency Preparedness and Response to proposed new inspection guidelines within 90 days of enactment that prohibit inspectors from entering into a contract with any individual or entity for whom the inspector performs an inspection for purposes of determining eligibility for assistance from the Federal Emergency Management Agency)

At the appropriate place, insert:

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security acting through Under Secretary for Emergency Preparedness shall propose new inspection guidelines that prohibit inspectors from entering into a contract with any individual or entity for whom the inspector performs an inspection for purposes of determining eligibility for assistance from the Federal Emergency Management Agency.

AMENDMENT NO. 1111, AS MODIFIED

Mr. GREGG. Mr. President, I send a modification to the desk of amendment No. 1111, on behalf of Senator DORGAN, and ask unanimous consent that it be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is so modified and agreed to.

The amendment (No. 1111), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

SEC. ___. None of the funds appropriated under this Act may be used to promulgate regulations to implement the plan developed pursuant to section 7209(b) of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1185 note) to limit United States citizens to a passport as the exclusive document to be presented upon entry into the United States from Canada by land.

AMENDMENT NO. 1113, WITHDRAWN

Mr. GREGG. Mr. President, I ask unanimous consent to withdraw amendment No. 1113 of the Senator from Hawaii, Mr. AKAKA.

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. CARPER. 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. CARPER. Mr. President, I am happy that my colleagues have brought these important amendments to the floor today to provide the necessary funds to secure our inner-city rail, our freight rail, and our transit systems. As someone representing a State, Delaware, that relishes and relies heavily on rail travel, this is certainly a major concern to me and those I am privileged to represent.

In the weeks and months after September 11, we took unprecedented steps to secure our Nation's airlines, and for good reason. We all know about the added security—baggage checks, passenger screening—because we have all seen it every time we go to an airport and try to get through an airport onto our planes. But we have not been as diligent when it comes to protecting our Nation's railways and transit systems, which is alarming given the number of people who travel by rail, and it is alarming when we see what has happened in Madrid and London in the last months and, in fact, last days.

Today, nearly 25 million passengers ride Amtrak. During the course of the year, that equates to about 3.5 billion rail trips taken annually by people looking to take a vacation, go home for the holidays, or traveling for business. In fact, our railroad network is so busy that every day more people use Amtrak's Penn Station in New York than use all of New York's major three airports combined.

In 2003, public transportation moved over 8.8 billion—almost 9 billion—passengers, according to the national transit database. Since 1995, public transportation ridership in the United States has grown by over 20 percent—faster than highway, faster than air travel. The American Public Transit Association estimates that more than 14 million people use public transportation every weekday. Yet we have done comparatively little to protect rail travelers and transit travelers from terrorist attacks.

Nowhere is that shortfall more evident than in the Homeland Security appropriations bill we are debating today. Under this bill, we would provide a scant 12 cents in security funds for each time a person boards a bus or a subway car or an Amtrak train to get to work—12 cents. Yet what we propose spending every time a person gets on board an airplane is $7.58.

Let me repeat that. Every time one of us gets on a Metro bus in Washington or boards a SEPTA train in Wilmington, DE, or southeastern Pennsylvania, the Federal Government is providing 12 cents to protect our safety on that railcar or in that transit station. Yet every time one of us flies out of National Airport, the Federal Government is spending $7.58—12 cents on the one hand, $7.58 on the other hand. That is a whopping disparity. It is one we need to correct.

During Senate consideration of legislation to create the Department of Homeland Security, I, along with several of my colleagues, tried to provide funds to Amtrak to secure its trains, station facilities, and its infrastructure, but that language was stripped out of the bill during the wee hours of the night. Some lawmakers were reluctant to give Amtrak any additional funds, while others were too focused on responding to the last disaster to start preparing for the next one.

Since then, supplying even modest amounts of rail security funding has been a battle. The danger to our rail and transit system has been repeatedly cited by officials at the Department of Homeland Security. During his confirmation hearing as Secretary of the Department of Homeland Security, Tom Ridge stated:

Amtrak and freight rail are at considerable risk to terrorist attack.

Secretary Chertoff has also acknowledged the risk facing our Nation's rail and transit systems. Likewise, the 9/11 Commission concluded that the risk of attacks on surface transportation is as great or greater than that of any aircraft hijacking. Further, the Government Accountability Office has stated:

Insufficient funding is the most significant challenge in making transit systems as safe and secure as possible.

Despite these warnings, progress has been slow, results have been few. The Department of Homeland Security has established no comprehensive approach to rail and transit security. None. None like we developed for airports in the wake of 9/11, that is for sure.

The Transportation Security Agency, meanwhile, has been working on a national transportation security plan since 2003, some 2 years. Yet that plan is still not complete. In the wake of the Madrid bombings in Spain last year that killed nearly 200 people, several of my colleagues and I sponsored legislation to establish rail and transit security programs, just as we created an airport security program after 9/11. This bill, called the Rail Security Act of 2004, was passed unanimously by the Senate on October 4 last year. Although the House did not act on this bill, we did succeed in securing $150 million in funding for rail and transit security in the fiscal year 2005 Homeland Security appropriations bill, which is in effect today. However, only a year later, the fiscal year 2006 Homeland Security bill reported out of committee cut that figure by a third, down to $100 million for the next fiscal year.

Last week, more than 50 people were killed, some 700 people were injured when terrorists bombed the London underground. It is time that we learn from these tragedies and develop a long-term, comprehensive approach to strengthening security of our Nation's rail and transit infrastructure. We cannot continue to ignore our transit systems or Amtrak or their passengers or the need to secure the hazardous material that travels across our freight lines throughout this country.

There has been a bipartisan effort to increase funding for rail and transit security. We hear people talking about increases in the magnitude of hundreds of millions of dollars, even billions of dollars. This may sound like a lot of money, but keep in mind, this bill includes nearly $4.5 billion for airline security. In fact, while Congress has spent almost $20 billion on aviation security since 9/11, only $400 million has been spent on rail security.

In other words, we have spent 50 times more money on airline security since 9/11 than we spent on rail and transit security combined.

No one is arguing that airline security is not necessary—it is necessary—but is the risk 50 times greater to our airlines and to people who fly on our airlines than to public transportation systems, to the millions of people who ride transit every day and who take inner-city passenger rail across America? I would argue that it is not.

We have made some progress securing air travel in the wake of 9/11, although I would argue, and I think most of us would agree, that there is more that we can and should do. The amendments we are considering today, though, call for a similar level of focus and attention to be brought to the security needs of our Nation's rail and our transit systems and to the literally, in the course of a year, billions of people who ride transit and who ride Amtrak.

We should be taking a serious look at ways to help railroads, States, cities, and transit agencies do what they can to improve security efforts, such as hiring more police, putting out more bomb-sniffing dogs with those police, improving ventilation, improving lighting, and establishing escape routes in tunnels.

Amtrak, freight railroads, and local transit agencies are doing all they can, but the Federal Government, we in Congress, have not done our share. It is time we stand up and take some responsibility in this as well. We need to, and can do so, before the disasters that struck Madrid and London strike us at home.

I yield back my time and ask unanimous consent that the time during the quorum call be divided equally between either side.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, I am told that the time has been running against the 15 minutes, and I may have less than that. But if I run out of time, I have been authorized to maybe take as much as 5 minutes off of Leader REID's time. Hopefully, I will not get to that point.

I rise today to support the Byrd rail security amendment. I know even though the Presiding Officer is new to this body he is aware I have been like a broken record for the past 4 years about rail security. When I look at the clerk, she probably thinks: Here he goes again because I have been talking about this so much since 9/11.

Quite frankly, we have an abysmal record, an irresponsible record, dealing with rail security. For the longest time, we had trouble in 2002, 2003, 2004, up until 2005, getting any traction. We have passed serious rail security bills, including Amtrak, in the past under the leadership of Senator MCCAIN, and Senator Hollings, who was my seatmate for years, who is now gone. The McCain-Hollings-Biden amendment that was passed called for $1.2 billion. We even passed a $1.7 billion amendment. The House and the President seem—I do not know what it is. I just do not get it. I thought that maybe this time around my colleagues in this body would understand that, as my dad, God love him, used to say before he died, if everything is equally important nothing is important.

There are priorities. How there could be anything from a tax cut to even an education program that could take priority over dealing with our homeland security is beyond my comprehension. I do not get it. But obviously we are not prepared to do what I was prepared to introduce, and did introduce the beginning of the week, to add $1.1 billion for rail security, which would have brought the total number for rail security up to $1.2 billion, which was in the bill we passed last time around which would have provided $670 million to deal with security in tunnels and the places where cataclysmic events could take place—$65 million, $4 million immediately to Amtrak to go out and buy canine patrols, put more cops on, put in cameras and detectors, secure the switching stations, and all the things that lend themselves to providing for a catastrophe. The bottom line is I do not have the votes to get that done.

So I joined with Senator BYRD, who has been a leader in this area, in my sincere hope that $265 million for rail security in this amendment, which is one-fourth of the amount passed in the Rail Security Act of 2004 last October, will actually pass.

The positive piece is that although it does not give us a straight line to deal with the long-term security interests of rail, it would give them enough money and all the money they could reasonably spend in 1 year to be able to begin to upgrade our system.

The tragedy in London has focused the Congress and the Nation on rail security again this week, but quite frankly I learned from Madrid. I thought Madrid would be a wake-up call. I thought after Madrid people would say: Hey, BIDEN, you are right, man. We have a real problem with rail. We should really do something about this.

Nothing, nothing, nothing happened. Now, our closest ally and friend maybe gives us a different perspective on the floor. The Madrid attacks should have done it, but they did not. Our negligence to this point has been inexcusable.

Many of us have been talking about this for years. The bottom line is that nearly 4 years after September 11, over 1 year after Madrid, our rail system is as vulnerable as it was 4 years ago.

I met earlier this week in my office with the head of Amtrak security and all of his attendant folks. I cannot reveal publicly everything I learned, but it is quite alarming. Let me talk about a few things I can reveal. Critics argue that we cannot protect, for example—there are 22,000 miles of rail in this country, and critics say: JOE, you cannot protect all 22,000 miles.

That is a little bit like saying we cannot protect the airlines. We should not have air traffic controllers because we get baggage put in the holds that are not inspected? Now, is there anybody on the floor saying that?

Right now one gets on a plane and the baggage that is put in the hold is not inspected thoroughly like the baggage that is carried on. But is anyone

saying we should not spend the money on TSA to inspect the people going through the gates? Of course not. Let us not make the perfect the enemy of the good.

The fact that we cannot do everything does not mean we do not do anything. That has been the mantra with regard to rail.

As I said, the argument is 22,000 miles cannot be protected, but guess what. We can prevent a Madrid or a London-style attack in the United States. We can make our rail system much safer and reduce the chance of attack because we understand that the terrorists want spectacular, cataclysmic attacks with large body counts in this Nation. Because we know that, we can narrow our focus to critical areas such as stations and tunnels, areas that security experts and common sense, as well as the CIA, tells us are the most vulnerable.

When I first did this 4 years ago, people said, oh, my God; do not point out that the Baltimore Tunnel was built in 1869, has no ventilation, no lighting, no escape, no way out. You are going to alert the terrorists. The terrorists know this. They know all the vulnerabilities. The problem is the American public does not know. So there is not enough pressure put on all of us here to make the right decision.

For example, every day over one-half million people pass through New York's Penn Station. This morning there were more people sitting in an aluminum tube below New York City—aluminum tube meaning a train car—than in a half dozen full 747 aircraft. Tell me what happens when sarin gas is released there. Tell me what happens when there are a series of explosions that far underground. Tell me what happens if anything remotely approaching a chemical weapon is used. There is no ventilation.

Riding in New York City today in the tunnels one will see construction going on, as it should, with these great big things that look like jet engines being put up in the ceiling. That is ventilation, exhaust. So, if something goes off in the tunnel, 2 people or 20 people die, not 200 or 2,000.

Do you know what the single most visited facility in all of Washington, DC, is? It is 2 blocks down the street. I walk to it every night: Union Station. More people visit Union Station than any other facility in Washington, DC.

Go down there with me, Mr. President, and get on a train with me, as I do every night, and stand on the last car as you ride out of the station. Look; tell me if you identify a single camera. Tell me if you identify any barbed wire fencing around the switching devices. Tell me whether you see any security. Tell me whether you see any guards.

There are a half-million people going through the station at Penn Station, and do you know how many police officers are on duty at any one time there? Twelve. There are 12 in New York, 5 in Union Station.

As I said, if you walk over there with me right now, you will find no real police presence, no fencing, inadequate security cameras, all of which anybody with common sense would say made no sense.

For some reason, there is an animus toward Amtrak in Washington. I kind of figured it out, actually. I think a lot of folks here think that it is a backdoor way of funding Amtrak. Otherwise, I can't understand why you wouldn't do this, after the billions we spend on airlines, as we should. I am not talking about Amtrak subsidies here; I am talking about protecting American lives.

In addition to the 64,000 daily riders on Amtrak, there are 23 locations where Amtrak facilities, stations and rails, overlap with transit facilities. In the Northeast corridor, Maryland Area Regional Commuter, has 400,000 daily commuters that utilize Amtrak—400,000 daily commuters on MARC that utilize Amtrak facilities. They walk in the station, get in a car, and it gets on an Amtrak track.

My friend from Rhode Island can tell me more about the transit systems in Rhode Island, and New York Transit, and Long Island Transit, and Connecticut Transit—et cetera. They all use Amtrak facilities.

Amtrak can only pay a starting salary of $31,000 to its police officers, and I cannot pay them more than $38,000, no matter how long they have been there, and they have a 10-percent vacancy rate on the force right now. Most of these positions are in New York and Washington where they need them most, but very little anyplace else. As I stated, in an amendment I proposed to add $1.1 billion for rail security, but the Byrd amendment only comes up with some $240 million right off the bat. We can use it. We can use it desperately. It is my understanding the Committee on Commerce and Transportation is going to mark up a comprehensive rail bill again next week, but we cannot wait for that. We need this $200-plus million right now. The $265 million in the Byrd amendment will provide urgent funding for Amtrak, including 200 additional police officers, 40 additional canine patrols, and improved fencing, lighting, and basic cameras—just basic block-and-tackle equipment that, if we have them, we can save thousands of lives.

The London bombers were identified by an expansive system of closed-circuit television in the London Metro. They have roughly 6,000 high-quality cameras there. We don't have anywhere near that capacity. We need that capacity.

Another area that needs attention is the transportation of hazardous chemicals. We have already voted this down before but, God, we should rethink this. The Naval Research Laboratory was asked what would happen in an attack on a traditional 90-ton chemical tanker. If you look at a train at a railroad crossing, you see the freight rail go by and you see these tankers—not containers, tankers; the whole car is one unit. You see them go. They are about 90 tons.

A 90-ton chlorine gas tanker, having an IED like those that explode in the streets of Baghdad placed under it on a track or under the tanker, exploding in a metropolitan area, according to the U.S. Naval Research Laboratory, will kill up to 100,000 Americans. Do you hear me now? One chlorine tanker exploding in a metropolitan area will kill 100,000 Americans. And we have trouble getting Homeland Security to come up with a plan to force these kinds of tankers to circumvent the population areas? Because it costs more money? It costs business more to do that. It costs more in the products we will buy. My Lord, what are we doing?

I might add to my friends in the Congress, when you leave Union Station and you head south to Richmond, you go under tunnels. Do you know what the tunnel goes under? Straight under the Supreme Court and under the House Office Building. If you explode a chlorine tanker underground, under that, you implode the Congress, you implode the office building called the Supreme Court.

If you want to make a statement—again, these are the IEDs, the roadside bombs that are killing our brave soldiers every day in up-armored humvees. There is no camera to detect anybody walking through those tunnels. There is no security. And we sit here like darned fools and say, No, that costs money. That is going to cost us money.

I understand the procedural restrictions will prevent us from considering that bill today, but I think this is a critical issue, one we simply have to address. I am going to be pushing this legislation until the cows come home.

After Madrid and London, we simply have run out of excuses not to act. This Byrd amendment does not solve every problem, but it goes a long way toward dealing with the beginning attempt to prevent catastrophic damage to American infrastructure and American lives. We will never be able to stop someone placing a bomb on a track somewhere along the 22,000 miles of track we have. We will only be lucky, one in three or one in ten times, with a dog getting someone who walks on a train with dynamite or K–2 strapped to their body or carried in their knapsack.

But to use that as an excuse to do virtually nothing, or to use it as an excuse that this breaks the budget—give me a break. We are breaking the budget on the inheritance tax. We are breaking the budget on an additional tax break for the superwealthy. We are breaking the budget on so many less worthy expenditures than homeland security.

There is much more to say, but I know my colleagues, over the last 5 years, are tired of hearing me say it.

I have a prayer, a literal prayer, that I never have the occasion to walk on

this Senate floor and say: We should have done this and we failed.

For God's sake, you guys and women who are going to vote on this, think about it in terms of how will you explain to the American people if something tragic and preventable happens after having voted against measures that, if put in place 4 years ago or put in place now, had a reasonable prospect of preventing it? That is a question I think you have to ask yourself.

I will end where I began, with my dad. My dad used to say:

> Champ, if everything is equally important to you, nothing is important to you.

Every hard decision we make is about priorities. I ask the rhetorical question: What priority is higher than the public safety of the American people in the face of a demonstrable threat that isn't going away?

I yield the floor. I see my friend from Maryland is on the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Before my distinguished colleague from Delaware leaves the floor, I want to commend him for his perseverance in pressing this issue. This is clearly not the first time he has brought this matter to our attention. I want to underscore what he said in closing. Obviously, there is a threat, and we need to address this threat. This is the opportunity to do it.

Rail, transit—we know they are high on the target list. The GAO actually did a study. One-third of all terrorist events that occurred have involved transit systems around the world. Last year, in fact, we passed legislation, an authorization for transit to do $3.5 billion over 3 years—$1.1 billion this year. An amendment to come later, Senator SHELBY's amendment, addresses that and tries to provide appropriations at the authorized level.

The rail also cries out for an appropriate appropriation, which is contained in the Byrd amendment that is part of this package we are going to be considering here. But the Senator from Delaware is absolutely correct. This is our chance to provide the resources so we can begin to do the obvious things that need to be done. There is a whole list of them. Every one of them is common sense. None of them is sort of a potential waste of money. All the transit people, the rail people tell us we need to do these things, and if we can do these things, it would substantially enhance security.

It wouldn't guarantee security. We live in a world where we can't guarantee security. But it would enhance it, surely.

Mr. BIDEN. If the Senator will yield for a comment, the Senator, who lives in Baltimore and has commuted to Baltimore every day for the last 20-some years—more than that, from when he was in the House—he will remember that there was a fire in an automobile tunnel going into Baltimore Inner Harbor a couple of years ago. It shut down all of Baltimore in the harbor region.

Mr. SARBANES. Right.

Mr. BIDEN. Just that fire. Even if there were not a terrorist threat, the idea that we are continuing to have, in and out and under the Baltimore harbor, this antiquated, 150-year-old tunnel, without any reasonable upgrade, is mind-boggling.

Mr. SARBANES. The Senator is absolutely correct. The infrastructure we are trying to work with is an infrastructure from a previous century. That alone needs to be significantly improved.

Actually, the British are confronting that problem now. One of their difficulties is that this deep tunnel, from many years ago, access to it is extremely limited.

We have to get started. That is what it comes down to. We have to get smart. These amendments, the Byrd amendment and the Shelby amendment, offer us a chance to take a significant step in order to enhance our capabilities.

I thank the Senator for his very strong statement.

Mr. BIDEN. If the Senator will yield, I compliment the Senator from Maryland. This is not a mutual admiration society, but he has jurisdiction in the Banking Committee over surface rail, intracity rail, and he has taken care of this amendment. I realize he wanted to reach out further and take Amtrak into this, but he does not have that jurisdiction.

Mr. SARBANES. It is not in our committee.

Mr. BIDEN. I know.

Mr. SARBANES. The Amtrak is not in our committee.

Mr. BIDEN. That is my point.

Mr. SARBANES. Correct.

Mr. BIDEN. But the Senator wanted to do it, and he could not jurisdictionally do it. That is why I appreciate his support for the Byrd amendment as well. That is the only place we could pick up a piece of Amtrak.

I see my friend from New York. There are a million people in Penn Station today—more people, as I said—sitting at rush hour in an aluminum tube underneath New York City than a half dozen full 747s, and we are doing nothing about it.

I thank the Senator from Maryland. He has done a great job. And I thank Senator SHELBY. I hope we can move it.

Mr. SARBANES. I thank the Senator.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. SARBANES. I thank the Chair.

Mr. SCHUMER. Mr. President, I ask unanimous consent that immediately after Senator SARBANES speaks for his 7 minutes that I speak for the 10 that I have been allotted.

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

Mr. SARBANES. I thank the Chair.

Mr. President, I will be brief. I want to rise again in very strong support of the amendment that Senator SHELBY the chairman of the Banking Committee has proposed, and also to underscore, as I just did in my discussion with the Senator from Delaware, Mr. BIDEN, that I support the Byrd amendment which is also before us, which encompasses inner-city rail as well as transit. The amendment offered by Chairman SHELBY deals only with those items under the jurisdiction of the Banking Committee.

The point I want to underscore is, this body unanimously passed, last year on October 1, the Public Transportation Terrorism Prevention Act of 2004. That bill authorized $3.5 billion in 3 years for the security of our Nation's mass transportation system, and of that amount $1.16 billion was scheduled for fiscal year 2006, which would begin to address the critical security needs that exist in the thousands of public transportation systems in our country.

The amendment offered by Chairman SHELBY seeks to bring the appropriation in line with the Senate-approved authorized level—approved by the Senate unanimously, brought out of the Banking Committee unanimously. Clearly, after the tragic attack in London last Thursday, which has now claimed 52 lives and over 700 injured, we need to fully fund transit security at the Senate-authorized level.

This body understood the problem last year. We established these authorization levels. We now need to provide the appropriations to carry through on the programs that are proposed to enhance transit security.

In 2002, GAO found that over one-third of terrorist attacks worldwide were against transit systems. Yet the funding for transit and rail security has been grossly inadequate. Those systems have not been able to implement necessary security improvements, including those that have been identified by the Department of Homeland Security.

The Baltimore Sun wrote in an editorial on Friday:

> Since September 11, 2001, the Federal Government has spent $18 billion on aviation security. Transit systems, which carry 16 times more passengers daily, have received about $250 million. That's a ridiculous imbalance.

I could not agree more. There are obvious necessities that are needed—security cameras, radios, training, extra security personnel. Those are not extravagant requests.

Let me give you one example right here in the Washington metropolitan area. Washington Metro's greatest security need is a backup control operations center. This need was identified by the Federal Transit Administration in its initial security assessment then identified again by the Department of Homeland Security in its subsequent security assessment. This critical need remains unaddressed because it has not been funded. We need to pass these amendments in order to provide the funding.

The same situation exists in transit systems across the country. We must not make this mistake. We need to put the resources out there so the transit and rail systems across the Nation can begin to address the serious potential targets which exist for terrorist attack.

I urge my colleagues to support the amendment offered by the chairman of the Banking Committee which deals with transit security, and I join with others in supporting the amendment that has been offered by Senator BYRD which encompasses not only that security but rail security as well.

Mr. President, I yield the floor.

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

Mr. SCHUMER. I ask unanimous consent, that my colleague from Rhode Island immediately precede me with his allotted time.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CORNYN. Mr. President, might I inquire—I do wish to seek recognition on behalf of the manager, but I would like to know how long the Senator is expected to speak.

Mr. SCHUMER. I have already gotten unanimous consent to speak for 10 minutes.

Mr. REED. I am informed we have to go back and forth. I ask to modify the request that when Senator CORNYN concludes, I would be recognized.

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

Mr. SCHUMER. I thank the Chair.

Mr. President, I am here to address the various amendments we have on rail security, but I also must speak about something that occurred in the last few hours related to mass security.

Mr. President, I know Secretary Chertoff. I was proud to support his nomination. I was proud to support his nomination to the Federal bench. He is a smart man, he is a thoughtful man, he is a capable man. But when I read the statements that he made this morning, I was aghast. These are some of the most appalling comments that I have heard coming from any Government official in a long time.

First, Secretary Chertoff said that the responsibility for transit security must rest with the localities. And then he said the following:

''The truth of the matter is that a fully loaded plane with jet fuel, a commercial airliner has the capacity to kill 3,000 people,'' Chertoff told Associated Press reporters and editors.

And then he continues:

A bomb in a subway car may kill 30 people. When you start thinking about your priorities, you are going to think about making sure you don't have the catastrophic thing first.

I would like Mr. Chertoff to ask the people in London if what happened last week was minor in passing or the people in Madrid—the chaos, the loss of life. To say what happens on the subways because it might only kill 30 people is less of a priority for this Federal Government than what might happen in the air is an appalling statement that leaves me aghast. I am asking Mr. Chertoff immediately to withdraw his statement and apologize, apologize to those who have lost loved ones and apologize to every transit user in New York and around the country.

Our responsibility, I would tell the Secretary, the responsibility of the Federal Government is to prevent terrorism in the homeland wherever it occurs—in the air, on the rails, in the water. To simply wash the Federal Government's hands of responsibility at a time when this Government is cutting back on mass transit funding and the localities have very little money is an abdication of responsibility.

I know I am speaking in strong terms, but if Mr. Chertoff professes these views, then I am not sure he should continue as the Secretary of Homeland Security. And as I said, I respect him. He is a smart man, he is a bright man. But I could hardly believe it when I read this and when a reporter asked me about it that it came out of his mouth. When I sat down with Mr. Chertoff when he was the nominee, he didn't voice any of these views. In fact, Senator CLINTON and I took a tour with him of Grand Central Station, and he seemed fully to understand the needs of mass transit in terms of homeland security. And now we have a 180-degree about turn?

I hope and pray that Secretary Chertoff misspoke, because every one of our citizens on transit—whether in the air, on the water, on rail, or on the road—is our responsibility to keep safe and prevent terrorism from afflicting them.

If this administration has embarked on a new policy which says that we will protect people in the air but not on the rails and washes its hands of that responsibility, then they ought to let America know, and they will be facing the fight of their life on this floor and in this country.

Here we are, debating amendments to try to get some more money for homeland security on the rails because we know we are so short of dollars, and at the same time we are hearing from the Secretary of Homeland Security that our rails, our commuters don't need that money. I would like Mr. Chertoff to go to Grand Central Station or Penn Station or to the Atlantic Avenue Station in Brooklyn or the Woodlawn Station in the Bronx and tell the commuters there that Washington doesn't have the responsibility to protect them from terrorism. Let him face them directly and say that to them. Let him go to them and tell them that it is all up to the local governments even though we know we have declared since 9/11 that the war on terror is largely a Federal responsibility.

So it is really that I rise to speak about this subject with some sadness because, as I said, I like Mr. Chertoff, I have respect for Mr. Chertoff. And, again, I would repeat my plea. Secretary Chertoff, please retract your remarks. Apologize to those who use mass transit and the rails and let us agree that the Federal Government has a real responsibility to protect the rail riders of this country from terrorism.

Now, in my remaining time I would simply like to address the amendments. I salute my colleagues from Alabama and Maryland and Rhode Island for their amendments. We have learned since London and Madrid that transit seems to be the terrorists' target of choice. Madrid may have been our first wakeup call and London was our second. We ignore it at our peril.

Mass transit systems are open. They bring in lots of commuters all at once. And they prove to be, unfortunately, a tempting target for terrorists.

What is our responsibility? It is not what Mr. Chertoff says. It is, rather, to step up to the plate and provide funding as we do in the air. For every air passenger, we spend $7 on homeland security. For every rail passenger, we spend a penny. That is out of whack. The amendment by Senators SHELBY and SARBANES, REED, myself, and many others moves to address that.

We need to do so many things in mass transit. I have called my folks in New York. We hope in the longer run we can develop detection devices that, like smoke detectors, can tell when explosives are brought on a train or in railroad stations, whether on someone's person or in a knapsack. But until we do, their No. 1 need is for explosive-sniffing dogs. They are desperately short. Yet the President's proposal does not allow that to happen. There will be a colloquy that urges that to happen.

We are short of transit patrolmen. I have been told, for instance, on a heavily populated commuter line there is only one police officer who patrols about 10 stations that handle tens of thousands of commuters every day over a 30- or 40-mile expansion of commuter rail on Long Island.

Structure changes are needed to strengthen subways and tunnels so that, God forbid, if a terrorist attack occurs maybe the structures will withstand it. We need signage and help for the tunnels to have escape routes and ventilation to minimize loss of life if terrorism, God forbid, occurs.

I rise in support of this badly needed amendment. We have neglected mass transit when it comes to homeland security. We are trying to redress that in a bipartisan amendment.

I also mention, of course, Senator BYRD's amendment which deals with transit and rail, which I will support. Senator GREGG's amendment, which takes $200 million out of port security and adds it to transit and rail, is robbing Peter to pay Paul.

The terrorists look for our weakest pressure point and strike there. Rail at this point is our weakest pressure point. We should strengthen it. To take money from ports, where we have not

done the job, and put it in rail does not make much sense because if we strengthen air security, they will look to the rails. If we strengthen rail security, they will look to the ports. If we strengthen port security, they will look to the trucks.

As the war on terror overseas must be fought on many fronts, so must the war on terror at home. To pick, as Mr. Chertoff does, one place where the Federal Government is going to put its efforts and ignore the others, is not doing a service to our citizens. Therefore, we must do more to strengthen security on the rails.

The best thing we can do to show the Nation that Mr. Chertoff's statement was not what America needs is to vote for the Shelby-Sarbanes-Reed amendment and the Byrd amendment, as well.

How much time have I used?

The PRESIDING OFFICER. The Senator has 20 seconds remaining.

Mr. SCHUMER. I will take my 20 seconds to yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 1205

Mr. REED. Mr. President, I rise in support of the amendment proposed by Senator SHELBY, Senator SARBANES, myself, and Senator SCHUMER to increase the allocation for transit security to $1.1 billion. Let me put that in perspective.

That is roughly 1 week's operations in Afghanistan and Iraq. I believe the American people would look at us and say: If we cannot invest that fraction of money to protect Americans here, how can we so consistently invest that money overseas? I think it is essential, obviously, to protect our forces and our troops and to make those commitments in Iraq and Afghanistan. But I think it is also essential that we protect Americans here at home. That is the essence of our amendment.

We have 6,000 transit systems in the United States. They have 14 million riders every workday. All these transit systems need assistance from the Federal Government to provide increased security, to protect Americans here at home. That is the purpose of our amendment and the purpose of our debate today. The purpose of this bill before the Senate is to provide resources to protect Americans here at home.

Like my colleague from New York, Senator SCHUMER, I was dismayed to hear of the comments by Secretary Chertoff today essentially saying there is no Federal support for transit, that it has to be done by the States. Not only do I object to the conclusion, I question the logic. According to the press report I heard, Secretary Chertoff said the U.S. Government, the Federal Government, has to support airlines because they are almost exclusively a Federal responsibility, but, by contrast, U.S. mass transit systems are largely owned and operated by State and local governments.

Well, I do not know where the Secretary flies in and out of, but in Rhode Island, TF Green Airport, the major airport in the State, is owned by a State corporation. The airlines that fly in and out are private airlines, not Federal airlines. Yet we have provided significant resources—and properly so—to enhance the security of the airline sector in the United States because of several obvious and compelling reasons. The threat is there. After 9/11, we would have been derelict if we did not recognize that. These are key parts of our economy.

Oh, by the way, for most of the airline systems, the terminals are owned by State and local governments, and the operators are private entities, much like transit facilities. Similarly, with transit facilities, the threat is there. After London, we would be derelict if we did not recognize the potential for an attack on our transit systems in the United States and to respond before an attack, not after an attack. That is why we are here today—to respond before any attack could evolve here in the United States, to respond effectively at home.

Indeed, Federal support of transit has been historically a fact of life over the last several decades. Since 1992, we have invested in the order of $68 billion in Federal money to construct and improve our transit systems. There has been Federal money going to local transit systems for construction and improvements. And then to argue—either Mr. Chertoff or others on the floor—it is inconsistent for us to support these systems with security money is illogical and unsustainable.

The threat is there. The need is there. I believe the responsibility should be here to provide some assistance. Again, we could not possibly do all that we must do. There must be cooperation by State and local governments. There has to be. They have responsibilities to their citizens and the passengers on these systems also. But there is a real Federal responsibility, one we will recognize today, I hope, by supporting the Shelby-Sarbanes-Reed amendment.

This is not just a regional issue of one part of the country. Most cities in the United States today have some transit system. Our largest cities have rather elaborate transit systems. Miami has light-rail and bus. Las Vegas is constructing a monorail with private funds to supplement their transit system. All of these are very attractive targets to terrorists.

There is one other disconcerting factor that is emerging after London. We have to be terribly concerned about those al-Qaida operatives, who have been training for years, who have been plotting for years to enter this country, or they may already be here, to conduct some type of terrorist attack. But, unfortunately, after London, we have to be concerned about another category, and that would be the homicidal and suicidal amateur, young men who are influenced by someone else to go ahead and sacrifice themselves. For these relative amateurs, what is a more attractive target today? An airport with a pronounced police presence?

As I drive off to TF Green Airport in Rhode Island, there are always two or three police cars parked outside. It is a modest, medium-sized airport with police officers on patrol. When you go into a lobby, it is full of TSA personnel with screening devices, and you have to take your shoes off, your coat off, to get through the screening to get on an airplane. Also, by the way, since we monitor passenger lists, every airline has an algorithm to determine whether you are subject to special searching. It happens occasionally to me. Is that their target of choice? Or just simply getting on the local bus or going into the local subway today, which is virtually without protection?

So we really have significant responsibilities in this regard. To suggest otherwise is inappropriate. It is wrong. I believe we have to support this amendment. We recognize that over the last several years transit has become one of the most significant targets for these terrorist groups.

After 9/11, in the Banking Committee, as the chairman of the Subcommittee on Housing and Transportation, I convened a hearing and we had witnesses. They came forth. They indicated, first, the lack of preparedness of our transit system for potential attacks by terrorists. Industry experts estimate we would need roughly $6 billion to bring our transit systems up to a level of security that we would be comfortable with. That is one factor.

The other factor is the fact that those resources are not easily obtained by local communities. We understand the pressures for local transit agencies. It is difficult to raise fares. It is difficult to get increased subsidies in State legislatures or local communities. All of that really compromises the ability to move dramatically and aggressively with transit security.

We also asked the General Accounting Office to do an evaluation. Their conclusions were interesting. First, they estimated that a third of the terrorist attacks in the last several years have been directed at mass transit. Again, it is a target of opportunity for these terrorists. And their conclusion speaks volumes. In their words:

> [I]nsufficient funding is the most significant obstacle agencies face in trying to make their systems more safe and secure.

Now, in light of that, Senator SARBANES and myself have repeatedly urged this body to adopt more robust funding for transportation security. We have proposed amendments with respect to supplemental appropriations bills. We have proposed amendments on other bills appropriating funds for the Department of Homeland Security. And we have offered amendments with respect to the National Intelligence Reform Act.

Indeed, the Senate recognized this need quite dramatically just last Congress, where, working with the chairman of the committee, Chairman SHELBY, who is, again, leading this great effort, we were able to pass authorizing legislation that would authorize approximately $3.5 billion over several years to begin to deal with this issue of transit security. The authorization recognized our Federal responsibilities. And as my colleague, Senator SARBANES, pointed out previously, this appropriations bill would be consistent with that authorization, which passed this body unanimously on a bipartisan basis.

So today we are here simply to do what should be obvious to all of us, particularly after the dreadful, horrific events in London. People who think it cannot happen here should think again. People who think this is not our responsibility should think again. We have an obligation, a responsibility. We have already spoken as a Senate last Congress with respect to the authorization. Now it is our obligation to put the resources there to the task. The task is improving the security and the safety of passengers on our transit systems throughout this country.

I urge all of my colleagues to support the Shelby amendment.

Also, Mr. President, I am supporting Senator BYRD's amendment because he, too, recognizes the need for additional security, not only for transit systems but also for intercity train systems. I also recognize that significant need. So I would hope we could come together and vote enthusiastically and appropriately.

The irony here, of course, is we all recognize—and we all pray this will never happen—but if there was a terrorist transit incident, we would be on this floor within hours voting for much more than $1.1 billion. If we act today, promptly and appropriately, we may be able to avert that situation. I hope we can.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, may I inquire how much time remains on this side?

The PRESIDING OFFICER. The time has been divided between nine different Senators.

Mr. REED. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. Thirty seconds.

Mr. REED. Mr. President, I would be happy to yield the 30 seconds to the Senator, if that is appropriate.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 30 seconds.

Mr. CORZINE. Mr. President, I rise in support of the Shelby amendment of $1.1 billion. I come even more to express complete frustration with the statements today of Secretary Chertoff on mass transit. This is a national issue. It is one that is connected with interstate commerce. Most importantly, protecting the American people is a primary responsibility of Government. The idea that we would turn our backs on the 228 million riders a year on mass transit in the State of New Jersey and put it at some second-class level of consideration makes no sense at all. Tens of thousands of riders every day ride the trains in and out of New York City from New Jersey, in and out of Philadelphia.

The PRESIDING OFFICER (Mr. THUNE). The time of the Senator from Rhode Island has expired.

Mr. CORZINE. I support the $1.1 billion Shelby amendment.

The PRESIDING OFFICER. Senator REID has 8 minutes, Senator BYRD has 12 minutes; Senator SARBANES has 1 minute; Senator SHELBY, 15; and Senator GREGG, 34 minutes.

The Senator from New Jersey.

Mr. CORZINE. Mr. President, I ask unanimous consent for up to 8 minutes from the time of Senator REID of Nevada.

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

Mr. CORZINE. Let me go back to the start of my comments. I support the Shelby amendment of $1.1 billion for mass transit and rail. It is absolutely essential that we think of our Nation as one, where all aspects that pull us together and provide for the services of the people of this country are protected. We are not dividing up those who fly on airlines versus those who drive on highways. When Americans are at risk, Americans are at risk. The concentration of risk can be different in different places at different times. I suggest anybody who wants to see large concentrations of people at any moment in time come with me to Hoboken train station. Every workday you will see literally tens of thousands of people transferring from one train track to subway system or bus system.

It is hard for me to conceive, frankly, that we can get ourselves to believe that the only exposure of the American citizenry is to air travel. Two hundred twenty-eight million riders per year in New Jersey use mass transit. Many of these congregate in large areas. It is absolutely essential that we enhance our security, and this is what the Shelby amendment is about.

I hope my good friend, Secretary Chertoff—and I do consider him a good friend and someone for whom I have great respect—will reconsider the thought that was expressed today that somehow or another this is a lower priority. It certainly is not a lower priority on the terrorists' minds. It wasn't in Madrid or Moscow and, unfortunately, it was not in London most recently.

Not only is this a mistake with regard to our homeland security policy, but it is like putting a bull's-eye on a certain sector of our infrastructure where people and the economy come together. It is to say that we are going to lay all this responsibility on already budget-strained State and local governments who have not been able to provide the security and say: Come get us. We don't want to give the emphasis to an area where there are many people and where our economy moves back and forth and through which it functions.

The principle that we are not going to focus on rail and mass transit protection makes no sense whatsoever. The way to stand up to that is to vote for the Shelby amendment, put $1.1 billion into mass transit, rail security. I hope my colleagues will follow that path.

I yield the floor.

Mr. GREGG. Mr. President, what is the status of the time?

The PRESIDING OFFICER. The Senator from New Hampshire controls 34 minutes; the Senator from Alabama, 15 minutes; the Senator from Nevada, 4 minutes; the Senator from West Virginia, 12 minutes. That is the balance of the time.

Mr. GREGG. Mr. President, I want to review this issue because it is important in the context of London to understand our purpose and how we are proceeding from a policy standpoint to try to address terrorism. To begin with, we all know and understand and are all concerned about the threat to public transportation, specifically mass transportation, in our Nation and in any western culture because of what has happened in Madrid and in London and because the people who have decided to pursue this heinous approach of killing innocent individuals see this opportunity as a soft target, an easy way to kill indiscriminately. It is hard for western cultures to understand that people would do that. Unfortunately, that is what our enemies do.

We as a nation must decide how we can best address protecting ourselves. It is important not to take the attitude that if we just throw money at this, we will solve the problem. That doesn't work. What we need to do is address the risk, the threat, and determine what is the best way to respond to that risk and that threat.

When we were attacked on 9/11, we recognized as a nation that the individuals who seek to harm us are willing to take what we would consider everyday modes of transportation and use those modes of transportation as a weapon against us. Those airplanes were used as missiles. So as a nation, we decided we were not going to allow that to happen. We have committed vast resources—no question about it—to making sure that our aircraft are secure from being used as missiles. Have we secured them from being able to be blown up or destroyed in the air? No, we have not, quite honestly. We have had test after test that has shown that regrettably, even though we have this massive structure of the TSA and even though we have committed literally billions of dollars, we are still unable

to essentially protect aircraft, a high percentage of the time, from someone who wishes to bring on that aircraft a destructive weapon such as a bomb. In fact, we are having trouble keeping out individual types of weapons such as knives and guns. The percentage of those going through the security systems has been shown to be, in some instances, unreasonably high.

The reason is because a committed professional terrorist—and that is what we are dealing with—has the capacity to use weapons systems which can go undetected, going through this massive system that we have set up known as the TSA. That is something we are trying to address. We are trying to develop new technologies. There are new technologies emerging which will hopefully allow us to detect explosives that might go on an aircraft. But as of now, our capacity is not overwhelmingly good, even though we have spent billions of dollars.

What we have been able to accomplish is that it will be very difficult for a terrorist to actually take control of an aircraft again and use it as a weapon. That was our priority.

Now we have seen what has happened in London. The simple fact is, even though we spent billions of dollars at very confined ports of entry—in other words, an airport is a pretty confined place, pretty easily managed compared to other places when it comes to the movement of people in and out, everything has a fairly focused place—we have not yet been able to adequately or fully secure aircraft from a variety of potential attacks. It has to be obvious to anyone who is honest about it that our capacity to fully secure transit in New York City, where you have literally factors of a hundred more people using aircraft as entering and exiting—the number is something like 10 million people a day use that system. We have tracks that go on continually through populated areas that could be where IEDs could be put under the tracks, where you have innumerable places where people can jump on and jump off, thousands of different entry points—anybody who has any intellectual honesty about how we pursue terrorism must be ready to say: There isn't enough money in the Federal Treasury to effectively address securing the entire transit system in the manner which is being proposed in these amendments, which is that you put more police officers on trains, more bomb dogs on trains, more detection facilities in the entryways, more electronic surveillance.

We wish it could be done, but we haven't been able to do it in the aircraft area where we have spent billions, and the ability to do it in the transit area is a factor of complication 1,000 times more difficult with which to deal.

Thus these dollars which are being proposed today are not going to dramatically increase safety. They well may have some visual impact, and they will give people personal confidence. But as the mayor of New York said a couple days ago, a committed professional terrorist who is willing to give their life in order to kill other people is going to be able to attack that train, to attack that bus system.

How do you address this? The key to addressing it is as Secretary Chertoff has made very clear. It is unfortunate that his words have been hyperbolized so much on the floor of the Senate and have been used in a political manner. This is a sincere man who is trying to do a good job. He is just getting started as Secretary. For him to be subjected to politicization in the Senate is not constructive to the process of the defense of our country from terrorists, but he has been, as so often happens around here. What he has pointed out in his review is the way we protect our transit systems is to get better intelligence. It is intelligence that is the key. You have to find these people before they find us. You have to catch them before they get to our systems, and then you deal with them.

How do you increase intelligence? First, you go to where the breeding ground is for the people who are most likely to attack you—Iraq, Afghanistan. Most of the good intelligence we are generating today comes from the fact that we are in Iraq fighting these terrorists over there rather than fighting them over here. We are in Afghanistan finding these terrorists before they can find us. And then we either get intelligence from them there or, if they are really bad people who are fundamentally evil, we take them to Guantanamo Bay and we lock them up. Then, under very strict regimes which meet all the responsibilities of a civilized society, we interrogate them and find out information, intelligence.

A large percentage of our intelligence comes out of Guantanamo Bay. So you aggressively pursue the intelligence efforts, and that means you aggressively pursue the war in Iraq, in Afghanistan, and you use places such as Guantanamo Bay.

In addition, you use our laws effectively. The PATRIOT Act, which has been so aggressively maligned from some of the Members actually offering this amendment, is a key element in developing the intelligence necessary to find out through electronic means what is up with the people who might want to attack us before they do so.

Some of the same people who want to put a billion dollars into initiatives which we know cannot significantly impact our capacity to secure the transit systems are so resistant to allowing the PATRIOT Act to be reauthorized, which provides the tools that will give our people at the FBI and other intelligence sources the capacity to find out what these people are doing by electronic means.

And then, of course, there are issues like profiling. The simple fact is there are certain people coming from the Middle East whom we know are going to be the type of folks who are going to potentially attack us. Profiling is a necessary element of finding them and getting them before they can attack us. Most of that activity—intelligence gathering—does not fall under this bill.

What does fall under this bill is border security. That is a big part of this whole question of how you protect the transit systems and everything else in America. It is not just transit systems; this doesn't stop with transit systems. If you are a terrorist—if you follow the logic of the Senator from Rhode Island—you are going to just move on to the next site of soft opportunity, which may be a sporting event or a utility system where they are transmitting power or maybe some other facility where people gather.

We are an open society and a massive democracy. We simply cannot lock ourselves down completely. So that is why the intel exercise is so important. Part of that is securing our borders, which is critical. Putting more money into securing our borders is what the bill does. Putting more money to making sure we are able to detect a weapon of mass destruction before it is used against us is what this bill does. Those are threats we can handle with more dollars. Those are the threats we can have an immediate impact on with more dollars—with a lot more dollars. This bill moves a lot more dollars into these accounts—over $600 million in the Border Patrol, and hundreds of millions in weapons of mass destruction issues. But to simply throw another billion dollars on the table because there is a political element behind the implications of doing that is not going to resolve the problem.

In fact, in the end, that will probably aggravate the issue because we will be taking scarce resources—which we have to allocate because we live under a philosophy that we only have so many funds—and putting them into an account where we cannot, A, use it; or, B, if we use it, it might be wasted, and if we use it ineffectively, its impact might be at the margin versus if you move the funds into areas where we get a response that produces results, such as in the intelligence area, Border Patrol area, weapons of mass destruction area. That is why this bill has been set up the way it has been set up.

So, yes, I don't deny that we can spend another billion dollars on mass transit. I am sure every mass transit authority in the country will be happy to replace their local spending with new Federal dollars, or even add it onto their spending. But will it dramatically impact the security of those transit systems, other than a visual impact? No. Let's be honest, it will not.

The only way we are going to secure transit systems or sports events or other major gathering sites is to find these people before they find us. That is why the war in Iraq is so important and the war in Afghanistan is so important, and that is why maintaining a vibrant facility in Guantanamo where we

can incarcerate and interrogate these people in an appropriate way, aggressively, is important. It is why the PATRIOT Act and profiling and border security are important.

Those are the priorities on which we should be focused. So I have to oppose both amendments by Mr. SHELBY and Mr. BYRD. I respect them both, and I understand where they are coming from. I respect their initiatives to try to do something here. Within the context of the budget, we have put the money where we think we can most effectively use it, which, as I have outlined, has been weapons of mass destruction, border security, and airlines.

So I will be opposing both of these and making a point of order that they will exceed the budget allocation and exceed our allocation within the Appropriations Committee, and that both amendments would add a billion dollars to the deficit.

I have, however, listened to my colleagues saying we need more money in mass transit. We have offered an amendment which would move $100 million out of first responders into mass transit. It would mean we would be $50 million above last year's spending in those accounts. If Members wish to pursue that course, I hope they will vote for that amendment because it is a responsible amendment and an affordable one, done within the context of the bill, which has a structure built around addressing threat first.

I reserve the remainder of my time.

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. 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, how are the quorum calls being charged?

The PRESIDING OFFICER. The quorum calls are charged to the Senator who controls time.

Mr. GREGG. Mr. President, I am fairly confident that earlier, at the beginning of this section, I asked that all quorum calls be charged equally in relationship to the time allocated. In fact, I am absolutely confident that I made that unanimous consent request. However, I will renew that unanimous consent request at this time.

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

Mr. GREGG. Mr. President, I ask unanimous consent that the time be restored in the context of that request, and I suggest the absence of a quorum.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1205

Mr. SHELBY. Mr. President, I rise today to speak on amendment No. 1205 on which we will soon be voting. This is an amendment I offered yesterday to the Department of Homeland Security appropriations bill. I am joined by several cosponsors, including the ranking member on the Banking Committee, Senator SARBANES, and also Senator REED and many others.

As chairman of the Senate Banking Committee, which has jurisdiction over transit security, I can tell you that the committee has a long history of interest in this issue, and many of my colleagues on the Banking Committee join me in supporting this amendment.

This issue has been on our radar screen for some time. In fact, last year, the Banking Committee reported the Public Transportation Terrorism Prevention Act of 2004. The Senate passed it unanimously. This was a thoughtfully considered bill, written with significant input from the industry and terrorism experts alike. The amendment I am here to speak on today is consistent with that Senate-passed authorization bill.

The amendment before us provides $1.166 billion for public transportation security. This provides $790 million for capital improvement grants, $333 million for operating grants, and $43 million in research. I am the first to admit this is a large sum and that we must balance our spending on public transportation with other priorities to defend our homeland. I am more than willing to work with Chairman GREGG to identify appropriate ways to do that.

It is difficult for us to predict where terrorists will strike next, but in order to help prevent or mitigate the severity of attacks, I believe we need to focus on transit security and make some wise and careful investments in this area. To the extent it is possible, I think we must guard against what the world witnessed last week in London and what we have seen in Spain, Israel, Japan, South Korea, Russia, and other countries.

When the GAO surveyed the transportation security needs of eight transportation agencies in 2002, the GAO estimated these eight alone will need $700 million in order to make basic security enhancements.

In this Nation, there are 6,000 transportation agencies. The needs are significant. Americans are proud of being an open society with many freedoms, but, unfortunately, it makes us potentially vulnerable. We built many of our subway stations and rail and bus stations in ways which we now realize in a post-9/11 world need some extra reinforcement. The funding in this amendment provides that first step. It is a good first start, and that it is a necessity I do not believe is in question.

The funding made available by this amendment is broken down into three components: No. 1, capital; No. 2, operating; and No. 3, research. The money will provide transportation providers with the ability to provide basic security enhancements. With this amendment, we can build fences so that intruders cannot enter tunnels or plant bombs by walking up to the tracks. We can purchase surveillance equipment in and around transportation centers, which is how the British have been able to find who carried out last week's attacks. The British, I have been told, have over 5,000 surveillance cameras, and they are working. We have very few.

We can provide communications equipment to help passengers, transportation officials, and first responders in the event of an emergency. We can fund fire suppression and decontamination equipment and redundant critical operations control systems, such as a backup computer system so that one well-placed bomb cannot shut down an entire system. As well, this would fund emergency response equipment—which could save hundreds of lives in a terrorist incident—and evacuation improvements, such as emergency routes or escape route signs. Additionally, the amendment would provide money to train and help deploy canine units which can contribute immensely to improved security.

The amendment before us also would provide funding for transportation agencies to carry out drills so they will be better prepared in case of a terrorist attack. It is one thing to know how the plan works on paper, but quite another to see how the plan works in practice.

Finally, the amendment also provides funding for critically important research in determining ways of detecting chemical, biological, or radiological weapons in ways that do not interfere with the ease of passengers using transportation systems. This is one of the greatest obstacles toward providing better security in typical commuter transportation environments.

I seriously believe we must provide resources toward mitigating these security threats, and we must do so as soon as possible.

As I mentioned yesterday on the floor, as an appropriations subcommittee chairman myself, I can certainly appreciate the challenge Senator GREGG, the chairman of the subcommittee, faces as he attempts to address the multitude of security challenges in this appropriations bill. Attempting to find the balance is important and, in the end, we could have infinite resources to spend and still not be totally protected. We know this.

I look forward to working with Chairman GREGG and other Members of the Senate. I commend this amendment to my colleagues and ask for their support a little later this afternoon.

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. BURNS. 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. BURNS. Mr. President, I rise to offer some thoughts on the appropriations bill regarding homeland security. Being the shepherd of one Interior bill a couple of weeks ago, I can understand the problems that arise whenever we start into this business of making the appropriations to make our Government work. I congratulate Chairman GREGG and Senator BYRD and other members of the Homeland Security Appropriations Subcommittee because they have changed direction on this a little bit with regard to our borders.

Every time I go to my home State of Montana the borders are talked about. I know it is probably one of the most difficult areas over which we are given the command to protect. I have said it before, and I will say it again, we have to secure our borders. Particularly, we know about the situation on our southern border, but we have always been understaffed and underfunded and overlooked on the northern border, even after September 11, 2001.

We are faced with the task of patrolling the longest stretch of unprotected international border in the United States, nearly 550 miles of border in Montana. We have the same pressures there from terrorists, drug runners, and criminals. They can cross that border, enter our country, and do harm to our citizens.

Make no mistake, we have made some progress. Again, I congratulate the chairman of the subcommittee on this bill. We were able to gain about 500 new Border Patrol agents along the northern border to relieve some facility overcrowding earlier this year in a new appropriation. Meanwhile, however, we have to look at the numbers. Over 500 million people cross our borders each year, 330 million of whom are not U.S. citizens. Where do these people go?

The committee has recognized we can no longer allow for the gaps in our national security. It has taken the proper steps to ensure that we have a plan in place to secure our borders.

I congratulate the chairman because these bills are difficult at best. But when we start talking about our borders, the security of our country, it takes on a whole new look. So I want to thank the managers of this bill for their work and their recommendations. It is too important to ignore any longer. It is my hope we can get this bill passed with a proper plan in place to secure our borders and get it to the President's desk.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1218

Mr. BYRD. Mr. President, I ask unanimous consent that Senator DODD be added as a cosponsor to my amendment No. 1218.

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

Mr. INOUYE. Mr. President, nearly 4 years have passed since the events of 9/11, yet rail and transit security remain major vulnerabilities.

The warning signs cannot be clearer. Public transportation and rail systems are a primary target for terrorist attacks. Last week's transit bombings in London follow similar attacks in Madrid, Moscow, Tel Aviv, and Seoul, and each attack has produced massive casualties, caused broad economic disruption, and generated widespread fear.

We have already been warned twice publicly by the FBI that al-Qaida may be directly targeting U.S. passenger trains and that their operatives may try to destroy key rail bridges and sections of track to cause derailments.

We know that more than one-third of all worldwide terrorist attacks target transportation systems, with public transit the most frequently targeted transportation mode.

Despite the significant threat to transit and rail systems and the Senate's unanimous approval of the Rail Security Act last year, security funding has remained grossly inadequate. As a result, our Nation's transit and rail systems have been unable to implement necessary security improvements.

I am pleased to join my colleagues this afternoon in supporting an amendment that increases rail security by $265 million in fiscal year 2006.

This funding level is not fictional. It is absolutely justifiable and necessary. Of the total amount proposed in our amendment, $65 million would be for Amtrak security, and Amtrak officials have verified they can obligate that funding amount in fiscal year 2006.

An additional $40 million would be for Amtrak tunnel safety, and Amtrak could obligate this funding in fiscal year 2006 for tunnels in New York, Baltimore, and the District of Columbia.

Of the total amount provided for by the amendment, $120 million would be for passenger and freight rail security grants, similar to the funding level authorized in S. 2273, the Rail Security Act of 2004, which the Senate passed unanimously last year.

Additionally, $35 million would be provided for rail security research and development. Again, the level is similar to the funding that the Senate has previously approved.

Finally, $5 million would be for a Transportation Security Administration, TSA, rail security risk assessment.

Just yesterday, Secretary Chertoff announced his plan to reorganize the Department of Homeland Security. He mentioned two points I would like to close with. First, he noted that increased preparedness should focus on not only risk and threat, but also consequences. We are all aware of the devastation that could result from a London-style attack on our transit and rail systems.

Second, he noted in his prepared materials that the TSA will continue to be the lead agency for intermodal transportation.

I couldn't agree with him more, and this amendment gives him the necessary funding to support his renewed focus on rail and transit security.

Mr. BYRD. Mr. President, my amendment provides an additional $1.3 billion above the underlying bill for needed security funding for our transit systems, intercity rail, freight rail, and intracity buses for a total of $1.4 billion. The funding levels I am proposing in this amendment are based on two bipartisan rail security authorization bills, S. 2273 and S. 2884, which passed the Senate last October.

Public transportation is used nearly 32 million times every day, 365 days a year. Thirty-two million times a day is 16 times more than travel on domestic airlines. How about that. According to the Government Accounting Office, nearly 6,000 agencies provide transit services through buses, subways, ferries, and light rail service to about 14 million Americans every weekday. Amtrak, while serving nearly 500 train stations in 46 States, carried an all-time record of ridership of 25 million passengers in fiscal year 2004.

Freight rail consists of more than 140,000 miles of track over which nearly 28 million carloads move annually, including over 9 million trailers and containers and $1.7 million carloads of hazardous materials and hazardous waste. Yes, only 2 cents—get this now, 2 cents. My colleagues have heard the expression, ''I want to get my 2 cents' worth.'' Well, only 2 cents on every transportation security dollar in this bill—can you believe it? Only 2 cents on every transportation security dollar in this bill goes to transit or rail security. Can you believe that? Two cents.

I remember the days of the 2-cent snack—my, that was a long time ago—and the penny postcard. Two cents. Let me say that again. Someone may not have heard that. Only 2 cents on every transportation security dollar in this bill goes to transit or rail security. The rest, where does it go? To aviation security.

When the terrorists blew up trains last year in Madrid, Spain, the administration had no plan, none, for securing transit and rail systems. The horrific bombings a few days ago in London have raised the same question. Are we prepared? What do my colleagues think? Are we prepared? Are we prepared? According to the RAND Corporation, between 1998 and 2003 there were approximately 181 terrorist attacks on rail targets worldwide. Since 2001, I have offered seven different amendments—think of it, seven different amendments—to fund rail and

transit security. What do my colleagues think of that? What do they think happened? I will give one guess. I offered seven amendments to fund rail and transit security. All seven were opposed by this administration, and all seven were defeated.

Well, Robert Bruce, that great Scotsman, was lying in the loft of the barn, and he saw this spider try to throw its web across the roof on the inside of the barn. He saw that spider try six times, and the spider failed. But the spider then threw once more, seven times, and succeeded. Robert Bruce thought he would try once more. He did, and he succeeded. I offered an amendment seven times that was opposed by the administration.

While we cannot secure every train, every station, and every passenger who uses mass transit or rides on trains from city to city, we can, with the additional funding I am proposing, implement prudent, commonsense actions to reduce the risks and consequences of a terrorist attack.

I ask unanimous consent that I may have an additional 3 minutes.

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

Mr. BYRD. I thank the Chair. We must harden infrastructure, install intrusion and detection systems, and procure cameras, locks, gates, canine teams, and other tools.

The Gregg amendment provides an increase of only $100 million for rail and transit security. That level simply will not be enough. It will help some, but it would not be enough to help transit and rail agencies in their efforts to deter a potential attack. For transit alone the estimate of need is $6 billion.

I am also concerned that the amendment reduces first responder funds by $100 million. This is a $100 million cut on top of the $467 million cut already in the bill. We should not be cutting funds to equip and train our police and our fire and emergency medical personnel by 24 percent.

With regard to the Shelby amendment, I am concerned that it includes only $100 million for securing rail systems. With 25 million passengers riding Amtrak and 1.7 million carloads of hazardous materials being carried on the rails, we must do more. We must do more to secure our rail system. My amendment includes $265 million for rail security.

Our thoughts, our prayers are with the victims of the London bombing. The horrific events the world witnessed a few days ago ought to serve as a call to action, a call to action by this Government, our Government, to protect our citizens from future attacks.

It is time to act. I urge all Senators to support my amendment.

I yield the floor.

Mr. President, I ask unanimous consent that Senator SALAZAR be added as a cosponsor to my amendment numbered 1218.

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

Mr. BYRD. I yield the floor. 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. 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.

AMENDMENT NO. 1220, AS FURTHER MODIFIED

Mr. GREGG. Mr. President, I have a modification of my amendment No. 1220 which I send to the desk and ask be accepted.

The PRESIDING OFFICER. Is there objection to further modification?

Mr. BYRD. Mr. President, reserving the right to object, I ask the question respectfully, would the distinguished Senator wait momentarily, until we can hear from Senator INOUYE? If he could wait a couple of minutes, may I ask?

Mr. GREGG. Yes. I reserve my request and make a point of order a quorum is not present.

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. I ask again the modification I sent to the desk be accepted.

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

The amendment is as follows:

AMENDMENT NO. 1220, AS FURTHER MODIFIED

On page 77, line 15, strike ''For grants,'' down through and including ''tection plan grants.'' and on page 79, line 6 insert the following:

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,694,300,000, which shall be allocated as follows:

(1) $1,418,000,000 for State and local grants, of which $425,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for formula-based grants: *Provided*, That the balance shall be allocated by the Secretary of Homeland Security to States, urban areas, or regions based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8 (HSPD–8).

(2) $400,000,000 for law enforcement terrorism prevention grants, of which $155,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants: *Provided*, That the balance shall be allocated by the Secretary to States based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to HSPD–8.

(3) $465,000,000 for discretionary transportation and infrastructure grants, as determined by the Secretary, which shall be based on risks, threats, and vulnerabilities, of which—

(A) $200,000,000 shall be for port security grants pursuant to the purposes of 46 United States Code 70107(a) through (h), which shall be awarded based on threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4);

(B) $5,000,000 shall be for trucking industry security grants;

(C) $15,000,000 shall be for intercity bus security grants;

(D) $195,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants, including grants for electronic surveillance system, explosive canine teams, and overtime during high alert levels; and (E) $50,000,000 shall be for buffer zone protection plan grants.''

Mr. GREGG. Mr. President, I now make a point of order under section 302(f) of the Congressional Budget Act that the amendment provided by Senator BYRD provides spending in excess of the subcommittee's 302(b) allocation.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. I ask all time be yielded back, if the Senator from West Virginia is agreeable.

Mr. BYRD. Yes.

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

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

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Is there any Senator in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 55, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—43

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

NAYS—55

Alexander	Bond	Burr
Allard	Brownback	Chafee
Allen	Bunning	Chambliss
Bennett	Burns	Coburn

Cochran	Grassley	Sessions
Coleman	Gregg	Shelby
Collins	Hagel	Smith
Conrad	Hatch	Snowe
Cornyn	Hutchison	Specter
Craig	Inhofe	Stevens
Crapo	Isakson	Sununu
DeMint	Kyl	Talent
DeWine	Lugar	Thomas
Dole	Martinez	Thune
Domenici	McCain	Vitter
Ensign	McConnell	Voinovich
Enzi	Murkowski	Warner
Frist	Roberts	
Graham	Santorum	

NOT VOTING—2

Lott Mikulski

The PRESIDING OFFICER. On this question, the yeas are 43, and nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent the next two votes be 10 minutes in duration.

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

Mr. GREGG. I also ask unanimous consent that prior to the next two votes there be 2 minutes equally divided.

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

AMENDMENT NO. 1220, AS MODIFIED

The PRESIDING OFFICER. The next amendment is the Gregg amendment 1220, as modified.

Mr. GREGG. Mr. President, this is an amendment to increase funding in the mass transit area by $100 million which is done by taking that money out of a different account, specifically the State and local first responder account. The reason that account was chosen was, as we discussed before, there is over $7 billion of unspent money in those accounts.

To the extent the States have the capacity to handle that money, we will make sure they get additional moneys, but right now they have more money than they can handle in those accounts.

This will be within the budget. I hope Members support this amendment.

AMENDMENT NO. 1205

Mr. SARBANES. Mr. President, the next amendment we will vote on is the amendment offered by the distinguished chairman of the Banking Committee, Senator SHELBY, which tries to meet the undertaking this body made last year in passing an authorization for transit security money. That tries to address the problem. This amendment makes some small contribution. I intend to vote no on this amendment. I hope Members support the Shelby amendment in due course.

The PRESIDING OFFICER. The question is on agreeing to the Gregg amendment 1220, as modified.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—46

Alexander	DeWine	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Roberts
Bennett	Enzi	Santorum
Bond	Frist	Sessions
Brownback	Graham	Smith
Bunning	Grassley	Snowe
Burns	Gregg	Specter
Burr	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Thomas
Cochran	Isakson	Vitter
Conrad	Kyl	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	
Crapo	McCain	

NAYS—52

Akaka	Dorgan	Murray
Baucus	Durbin	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Harkin	Pryor
Boxer	Inhofe	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Salazar
Chafee	Kennedy	Sarbanes
Clinton	Kerry	Schumer
Coleman	Kohl	Shelby
Collins	Landrieu	Stabenow
Corzine	Lautenberg	Talent
Dayton	Leahy	Thune
DeMint	Levin	Wyden
Dodd	Lieberman	
Dole	Lincoln	

NOT VOTING—2

Lott Mikulski

The amendment (No. 1220), as modified, was rejected.

Mr. GREGG. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. COBURN). The Senator from New Hampshire.

AMENDMENT NO. 1205, AS MODIFIED

Mr. GREGG. Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act that the amendment offered by Senator SHELBY provides spending in excess of the subcommittee's 302(b) allocation.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask that amendment No. 1205 be called up.

The PRESIDING OFFICER. The amendment is pending and a point of order has been raised against the amendment.

Mr. SHELBY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time for debate yielded back?

Mr. SHELBY. Mr. President, I would like my minute.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. SHELBY. Mr. President, I realize this is a good bit of money. I am a member of the Appropriations Committee. I serve on the committee with Senator GREGG. I believe, though, we have been spending pennies as far as transit security is concerned—that is subways, buses, and everything else—as opposed to airline security, which both are important.

We know what happened last week in London. They have over 5,000 cameras for surveillance. It helped them a lot. I think we have to ask ourselves, Are we going to make that big downpayment toward security for our people, the millions who ride buses, subways, and trains every day? This is the first step in that direction.

I ask for your support of this amendment.

Mr. LAUTENBERG. Mr. President, I would like to speak about the pending amendments on rail and transit security. One is offered by my colleague and friend from Alabama.

I know firsthand his breadth of knowledge and leadership on transportation issues, as we worked together for many years as leaders on the Transportation Appropriations Subcommittee.

I am confident that his amendment will help address the transit security problem in our country in a necessary and effective way.

One amendment is offered by my colleague from West Virginia, Senator BYRD. His amendment goes beyond the Shelby amendment and includes funding for our national freight and passenger rail transportation systems as well. This funding is crucial for the security needs of Amtrak.

Each year, the Bush administration and Amtrak opponents in the Congress fight to cut funding for Amtrak to provide rail services to 500 stations in 46 States.

So as Congress and the administration bicker, 68,000 daily passengers rely on Amtrak using some of its Federal transportation operating grant for security purposes.

My point is that if we don't fund Amtrak's security needs in this bill, it must come out of the transportation budget, where resources are limited.

Last week's attacks in London—like previous attacks on subway systems in Madrid and Moscow—highlighted the importance of securing our entire transportation system—and especially public transit.

Since 9/11 we have made huge strides in the aviation sector. But the words of the 9/11 Commission still haunt us:

RAIL AND PORT SECURITY—THE NEXT THREAT

Over 90 percent of the Nation's $5.3 billion annual investment in the TSA goes to aviation—to fight the last war . . .

Opportunities to do harm are as great, or greater, in maritime or surface transportation.—9/11 Commission Report, p. 391.

When are we going to start seriously taking the notion that we must secure our homeland from terrorist attack?

Every day, more than a half a million riders in New Jersey get on a bus. Another 340,000 board an Amtrak or commuter train, and another 30,000 a light rail car. That is a total of 870,000 people—as many as the total populations of States served by some of our colleagues.

These citizens depend on public transit to get to their jobs, to school, and to visit family and friends. And they are depending on us to protect our rail and transit systems from terrorists.

Rail and transit systems move people efficiently because they are open systems, but unfortunately that also makes them vulnerable to an attack.

The State Department reports that from 1991 to 1998 violent attacks worldwide against transportation targets went from 20 percent of all those attacks to 40 percent. And a growing number of these are directed at bus and rail systems.

Securing our country will take resources. For every week that we are on orange alert, one New Jersey public transit operator is forced to spend an extra $100,000. That is on top of a security budget that has doubled since 9/11.

As I said earlier, Amtrak spends tens of millions of dollars of its Department of Transportation operating grant on security. This funding will upgrade stations and other critical facilities and will improve security operations of transit systems. It will also help train our frontline employees.

A report by the Mineta Transportation Institute found after studying the events of 9/11 that prompt action by frontline employees can save lives. It goes on to say that ''Transportation employees are also first responders, so they require training and empowerment.''

Transit operators must take effective steps to reduce the risk of terrorist attack. And they need the resources to do it.

In addition to the commuters who rely on transit systems daily, senior citizens, students an disabled persons are especially reliant on transit. For many, it is their only way to get to medical appointments, school and other important destinations.

We can't afford to wait until there is a major terrorist attack on a U.S. transit system. We must act now. Let's do what our responsibilities demand of us and protect our citizens when they travel as well as when they are at home, at work or at school.

Mr. DURBIN. Mr. President, I rise today in support of the Shelby-Sarbanes transit amendment. This amendment increases transit security funding by $1.1 billion. It is endorsed by both the Chicago Transit Authority and Metra, the commuter rail agency serving Chicago and all of northeastern Illinois.

The amendment would provide $790 million for public transportation agencies for capital security improvements, $333 million for operational security improvements, and $43 million for grants to public or private entities to conduct research on terrorist prevention technologies. This money would be doled out to agencies based on risk.

The amendment seeks the funding needed to fund a bill passed by the Senate in 2004 known as the Public Transportation Terrorism Prevention Act.

After the London bombing last week, we became acutely aware of how vulnerable our transit systems are in this country, although some of us have been concerned about these problems for years.

Since the London bombing, transit systems across the Nation have been upgraded to an Orange Alert level, meaning more canine patrols, deployment of explosive detection devices, increased security guard patrols, and increased customer assistance. A significant amount of this has been borne by State and local governments.

I was disappointed today to hear about Homeland Security Secretary Michael Chertoffs remarks that State and local governments should bear much of the burden of protecting transit systems. A bomb in a subway, he says, may kill 30 people, while a fully loaded airplane may kill 3,000 people.

This argument is misleading. A well-orchestrated, multipronged attack on one of Metra's largest trains, which carry up to 1,600 passengers or the equivalent of three fully loaded Boeing 747 aircraft, could produce a similar body count.

I am sure the families of the 50 victims of the London attacks don't think the lives of their loved ones were any less important than those of people who have been killed on airplanes.

Transit systems are an accident waiting to happen. They are a vulnerability we have ignored for far too long, and the terrorists know it.

The Federal Government has a responsibility to protect trains as well as airplanes, for the public good, and it needs to take responsibility.

For CTA, this increased security is costing an estimated extra $60,000 a day, on top of an already massive increase in security spending borne since September 11.

Metra has diverted millions of dollars in funds for police overtime pay, extra outside security police, and bomb-sniffing dogs.

Our rail system covers approximately 16,000 acres, carrying 500 freight and 700 commuter trains each day. More than 2 million passengers travel to or from Chicago on Amtrak, and Chicago's transit systems take 73 million local passenger trips a year. These people and this cargo needs to be secure.

Despite these facts, and other impressive statistics from New York, New Jersey, California, and elsewhere where rail and transit systems are relied on heavily, in the President's budget proposal, nearly 90 percent of Federal transportation security funds have been directed to aviation security. While I don't want to take away from the importance of aviation security improvements, this amendment attempts to diminish that inequity.

In this bill before us, the committee proposes only $100 million for intercity passenger rail transportation, freight rail, and transit security grants. This is one-third less than we appropriated last year and hundreds of millions less than the Senate has authorized for these programs over the years.

While the distinguished Senator from New Hampshire, chairman of the Homeland Security Appropriations Subcommittee, will offer an amendment to boost this funding by an additional $100 million, there are two things wrong with this approach. One, he takes it away from State and local grants. And two, $100 million is not enough, given the risks.

He will talk about the need for fiscal discipline; he will talk about this amendment and other important rail security amendments as busting the budget, but it is a question of priorities. We are busting the budget every day for the priorities of tax cuts and funding the war in Iraq.

Transit operators must take effective steps to reduce the risk of terrorist attack. And they need help to do it. State and local governments are investing their own time and money, and the Federal Government should respond.

We should not wait for terrorists to attack a U.S. transit system to react. We need to take action now.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we have had substantial debate on the substance of this amendment, the fact that the $1 billion probably will not impact dramatically the security situation. It might actually misallocate funds that could otherwise be used for intelligence and for Border Patrol agents and for other activities that are so critical and that are threat-oriented.

But the practical bottom line is this amendment is $1 billion over the budget and will add to the deficit by $1 billion, if it is adopted. I urge that the motion to waive be defeated.

The PRESIDING OFFICER. All time has expired.

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

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—53

Akaka	Dole	Lincoln
Baucus	Dorgan	Murray
Bayh	Durbin	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Harkin	Pryor
Boxer	Hatch	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Salazar
Chafee	Kennedy	Sarbanes
Clinton	Kerry	Schumer
Coleman	Kohl	Shelby
Conrad	Landrieu	Specter
Corzine	Lautenberg	Stabenow
Dayton	Leahy	Talent
DeWine	Levin	Wyden
Dodd	Lieberman	

NAYS—45

Alexander	DeMint	McCain
Allard	Domenici	McConnell
Allen	Ensign	Murkowski
Bond	Enzi	Roberts
Brownback	Frist	Santorum
Bunning	Graham	Sessions
Burns	Grassley	Smith
Burr	Gregg	Snowe
Chambliss	Hagel	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Thomas
Collins	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lugar	Voinovich
Crapo	Martinez	Warner

NOT VOTING—2

Lott Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

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

The motion to lay on the table was agreed to.

Mr. FRIST. 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. FRIST. 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. FRIST. Mr. President, I ask that the pending amendments be set aside.

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

AMENDMENT NO. 1223

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 1223.

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

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

The amendment is as follows:

(Purpose: To protect classified information and to protect our servicemen and women)

At the appropriate place insert the following:

SEC. _____

Any federal officeholder who makes references to a classified Federal Bureau of Investigation report on the floor of the United States Senate, or any federal officeholder that makes a statement based on a FBI agent's comments which is used as propaganda by terrorist organizations thereby putting our servicemen and women at risk, shall not be permitted access to such information or to hold a security clearance for access to such information.

Mr. FRIST. Mr. President, I ask unanimous consent that there now be 90 minutes equally divided between the two leaders or their designees to be used concurrently on the pending amendment and No. 1222; further, that following the use or yielding back of that time, the Senate proceed to a vote in relation to the pending Frist amendment, to be followed immediately by a vote on the Reid amendment No. 1222, and there be no second-degree amendments in order to either amendments prior to the votes.

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

Mr. FRIST. Mr. President, briefly, with the three votes we just completed relating to mass transit, we are on a good glidepath toward finishing tonight. I should say we were on a good glidepath for finishing tonight. The chairman and ranking member of the Homeland Security subcommittee have cleared a large number of amendments, and it does appear we will be able to finish tonight.

Having said that, I am very disappointed that we now have pending before us what is purely a political amendment on which we will be spending the next 90 minutes, plus the votes. We have been working in very good faith on a bill that funds important priorities to this country, to our homeland security, and that has been the focus. We have done very well staying focused on this bill until the Democratic, really political, amendment was offered.

The pending amendment offered by the Democratic leader has nothing to do with funding of our national security. I am disappointed because it is going to slow down the underlying process on the bill.

We will be spending the next 90 minutes on these two amendments, then followed by two votes. Hopefully after that we will put politics aside and attend to the Nation's business.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The minority leader.

AMENDMENT NO. 1222

Mr. REID. Mr. President, I ask that my amendment be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

At the appropriate place, insert the following:

SEC. ___. No Federal employee who discloses, or has disclosed, classified information, including the identity of a covert agent of the Central Intelligence Agency, to a person not authorized to receive such information shall be permitted to hold a security clearance for access to such information.

Mr. REID. Mr. President, I ask that my leader time be used now.

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

Mr. REID. Mr. President, I want everyone here today to be clear on what we are talking about. You can call it politics; I call it government. I call it good government. We are talking about a matter of national security. At least one—there could be more—at least one senior White House official disclosed the identity of a CIA intelligence officer to a reporter or reporters, and then this administration proceeded to deny and deflect the truth after it was discovered it had been leaked. It put this agent's life in jeopardy. I repeat, it put this agent's life in jeopardy, plus people she had dealt with from other countries and here in America. It put our intelligence community at risk and, of course, jeopardized our national security.

Even the President's father, my friend, President George Bush, a former Director of the Central Intelligence Agency, recognizes the seriousness of this offense. He said:

I have nothing but contempt and anger for those who betray the trust by exposing the name of our sources. They are, in my view, the most insidious of traitors.

Whoever did this, according to George Bush, the first Bush President, would be an insidious traitor.

But instead of dealing with the problem, this administration, this White House, and the majority in the Senate want to divert attention from this breach of national security. Unfortunately, it is a pattern we are all too familiar with from this White House. When they are on the ropes, they attack. If you do not believe me, you need look no further than yesterday's Washington Post, July 13, 2005, which detailed the Republican strategy for this affair:

The emerging GOP strategy—devised by—

RNC chair

[Ken Mehlman] and other Rove loyalists outside the White House—is to try to undermine those Democrats calling for Rove's ouster, play down Rove's role and wait for President Bush's forthcoming Supreme Court selections to drown out the controversy, according to several high-level Republicans.

This is what is known as a coverup. This is an abuse of power. This is a diversion from what we should be dealing with in the Senate.

No interest in coming clean and being honest with the American people. This afternoon, the majority is bringing this strategy to the Senate floor. Mehlman's strategy is being brought right here, but the American people can see right through this.

This morning, the Wall Street Journal, not a bastion of liberality, had a poll which said only 41 percent of Americans believe the President is being honest and straightforward. That is from the Wall Street Journal this

morning, which confirms and underlines what I have said that this is a coverup. It is an abuse of power. It is diversionary.

It is time to quit playing partisan politics with our national security. It is time for the White House to come clean. It is time to address the pressing issues facing this country. This second-degree amendment—and I have been in the Congress more than two decades—is about as juvenile and as mudslinging as I have seen. We are here to protect the country. We are here with a bill that deals with homeland security. We are here to talk about issues such as leaking information about our CIA agents. Is that not part of our national security? I certainly hope so.

We have pressing issues facing this country. The reason the American people have lost faith in this administration is because we are not dealing with the problems they care about: 45 million Americans with no health insurance, millions of others underinsured; our educational system is wanting; K–12 have big problems; our public educational system is under attack. With college education today it is how much money one has as to where they can go to school and when they can go to school. It is how much money their parents have. Only half of American workers today have pensions, and more than half of those pensions are in distress.

People are worrying—just like those people who worked all of those valiant years at United Airlines—are they going to lose their pensions? Are they going to be cut? Are they going to be whacked?

This administration is obstructing progress. The American people deserve more. The Republicans should stop playing games, come clean, and work on issues to help this country.

What we have today, with this little second-degree amendment, is a diversion. It is an abuse of power, and it is a coverup.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, if I may, I noticed the Democratic leader had his amendment read. I would like to ask that the Frist amendment be read, and then Senator COLEMAN will be ready to address the Senate.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

At the appropriate place, insert the following: Section. Any Federal officeholder who makes reference to a classified Federal Bureau of Investigation report on the floor of the United States Senate, or any federal officeholder that makes a statement based on a FBI agent's comments which is used as propaganda by terrorist organizations thereby putting our servicemen and women at risk, shall not be permitted access to such information or to hold security clearance for access to such information.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, we have had a very productive day dealing with homeland security, which is a $32 billion bill. In the past couple of weeks we passed an energy bill, a highway bill, and a trade agreement. We have a consultation process going on now for a Supreme Court appointment that I think is going fairly well. There has been a pretty good atmosphere in this body. My concern is that the oxygen is being sucked out of that good atmosphere as we get involved in partisan political attacks.

The circumstances that have motivated this statute are ones that are being reviewed right now by special counsel. That is the way it should be. We have somebody, the President, who says he has confidence in that special counsel, and it seems that rather than play partisan political games that we should let the special counsel do his work; that we should cool the rhetoric and we should focus on the business of the people, which I think we have been doing, which is a good thing.

I would really love to ask my colleagues on the other side of the aisle some questions about the statute. There is a reason we do things through committee and we review them. Perhaps one of my colleagues on the other side would yield to a question. There is an existing Federal law that makes it a crime to reveal the identity of agents. There are some very specific intent provisions in that statute. The law states that for a violation to occur, a Government official must have deliberately identified a covert agent.

As I read this statute, I am not sure whether there is an intent requirement. The criminal statute requires that they must have known the agent was undercover and that the Government was trying to keep that agent's identity a secret. That is the criminal law.

As I read this statute, I do not see any indication of intent. So when the amendment says ''no Federal employee who discloses, or has disclosed information,'' does that mean intentionally disclose? Does that mean unintentionally disclosed? Are we mirroring the criminal provisions to then apply them to a security clearance? I am not sure, and I would hope that on the time of my colleagues on the other side they will respond to those questions. If we went through the normal committee process, I think those are the kinds of questions we would sort out.

As I look at the amendment, it talks about ''no Federal employee.'' Does that mean public official? I would hope my colleagues on the other side of the aisle would agree that this amendment should cover public officials. It should cover us. Is the intent of my colleagues to specifically preclude Senators from losing their access to classified information? I think that is the intent.

If one goes back and looks at definitions of Federal employees, that is the conclusion one would come to. If one comes to that conclusion, I think that is a pretty poor conclusion. If we are going to talk about being outraged by the fact that classified information has been revealed—and, again, I think we have to answer this question of intent or not, but I would hope that my colleagues would look at this and say, yes, we mean to include public officials. And if we do include public officials, there is some other construction language we would have to deal with because public officials do not necessarily have clearances, but we have access to classified information. So we would have to work on it.

I know my colleague from Kansas would like to speak.

Mr. MCCONNELL. Will the Senator from Minnesota yield for a question?

Mr. COLEMAN. Absolutely.

Mr. MCCONNELL. Did I understand the Senator from Minnesota correctly that he was posing two questions to the proponents of the Reid amendment, No. 1, whether intent was left out of the amendment on purpose, and No. 2, whether it covered Members of Congress?

I was wondering if anyone on the other side was prepared to answer the questions of the Senator from Minnesota.

Mr. COLEMAN. Those questions that my colleague from Kentucky has raised are what we would like some answers to. Are we intending to cover public officials, U.S. Senators, by the provisions of this amendment, and do we include——

Mr. REID. Absolutely, yes.

Mr. COLEMAN. If that is the case, I suggest then we perhaps take a few minutes to work out the language because there may be some technical problems with definitions of Federal employees. The language in the statute talks about receiving security clearances for access to information. We do not necessarily have security clearances, but we do have access, so there may be some technical provisions.

I am very pleased if in fact my colleagues on the other side intend to include public officials. We might want to clean this up before we finalize it.

The other question I have is, is there an intent element in this statute? Is it intentionally disclosing or unintentionally disclosing? Is it negligently, is it mistakingly, or is there the specific kind of intent one usually needs to have in statutes of this kind?

How much time remains?

The PRESIDING OFFICER. There is 39½ minutes remaining.

Who yields time?

Mr. REID. I yield 6 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, Newsweek magazine reported that on July 11, 2003, a correspondent for Time magazine, Matt Cooper, sent an e-mail to his bureau chief, Michael Duffy: Subject, Rove P&C, and that means for personal and confidential. The e-mail said: Spoke to Rove on double supersecret background for about 2 minutes before he went on vacation.

According to Newsweek, Cooper wrote that Karl Rove offered him a big warning not to get too far out on Joe Wilson. Cooper's e-mail said the following: that it was, Karl Rove said, Wilson's wife who apparently works at the Agency—and that is referring clearly, by the other part of the e-mail, to CIA—on WMD, weapons of mass destruction, issues, who authorized the trip, referring to Joe Wilson's trip.

According to the Newsweek report, Ambassador Wilson's wife is Valerie Plame. Then Cooper finished his e-mail by writing: Please do not source this to Rove or even White House—and suggested that another reporter check with the CIA.

Then in October of 2003, White House spokesman Scott McClellan was asked whether Karl Rove was involved in the leak. These were the questions and answers:

Question: Scott, earlier this week you told us that neither Karl Rove nor two other named persons disclosed any classified information with regard to the leak. I am wondering if you could tell us more specifically whether any of them told any reporter that Valerie Plame worked for the CIA?

Mr. McClellan: Those individuals, now referring to including Rove, I spoke with those individuals, as I pointed out, and those individuals assured me they were not involved in this.

Question of McClellan: So none of them told any reporter that Valerie Plame worked for the CIA?

Mr. McClellan: They assured me they were not involved in this.

Then comes the bombshell, the contemporaneous e-mail which indicated that as a matter of fact Mr. Rove indicated to Mr. Cooper that Joe Wilson's wife apparently worked at the CIA on weapons of mass destruction issues.

It is not good enough to parse words on a matter that is this serious. It is not good enough to say, as both Mr. Rove and his lawyer have said, well, there was no reference to a specific name.

On July 3, Mr. Rove's lawyer said his client did not disclose the identity of the CIA person. A little over a week later, after the release of the Cooper e-mail, Mr. Rove's lawyer parsed the words and said Mr. Rove did not disclose the name.

Well, whether it is the name of a CIA employee or the identity of a CIA employee, that is wrong. It has to be stopped, and the only way to stop it is to adopt a statute which says either it is a criminal offense in case of specific intent, which we already have on the books, but even if one cannot prove a specific intent, even if one identifies a CIA employee, period, without the higher level of proof that is required for a criminal law, the identification of a CIA employee is enough to lose their security clearance. That is what the amendment before us provides: Identify a CIA agent, put that agent in this Nation at risk, and they are going to lose their security clearance.

Now, if someone does it intentionally, and if that can be proven beyond a reasonable doubt, beyond that, then they have committed a crime. So that is the answer to the question of my friend from Minnesota or the question of the Senator from Kentucky as to whether specific intent is required. It is not.

In the criminal statute, it is, but we say the disclosure of the identity of a covert CIA employee is sufficient to lose one's security clearance.

Let us be clear as to what this e-mail said. There was no doubt that Mr. Rove, at least according to the e-mail, knew that the wife of Joe Wilson was a CIA employee because she was so identified as a CIA employee. So there is no question in the fact situation which has brought this matter to such dramatic light that the facts are there to provide this basis that there was, indeed, knowledge. But, to answer the question, there is no specific intent which is required.

I wonder if the leader will yield 2 additional minutes?

Mr. REID. I am happy to do that.

Mr. LEVIN. Mr. President, the President has his responsibility. The President has said he knows Karl Rove was not involved. Now there is clear information that Karl Rove identified a CIA employee to a reporter who had no right to that information. Now what? Now that the President does know Mr. Rove is involved, now what?

That is up to the President. That is the President's responsibility; how he exercises it is his judgment. He will exercise it as he sees fit, now that he knows Mr. Rove was involved.

We can all give him suggestions, and we have, that he ought to exercise that responsibility by addressing the issue. Now that you know there was this involvement, now what?

But we have a responsibility. We have a responsibility in Congress to make sure there is no ambiguity in the law, there is no hair splitting, no legal loopholes, no question about—well, wait a minute, I didn't name a name, I only named an identity. No higher standard of proof is required by criminal law beyond a reasonable doubt. You identify a covert agent of the CIA, you lose your security clearance. It is as clear as that and as important as that to the security of this Nation.

Mr. COLEMAN. I wonder if my colleague from Michigan will yield for a question.

Mr. REID. He yields on your time.

Mr. LEVIN. I am happy to. I do not control the time.

Mr. COLEMAN. Is the Democratic leader aware of the executive order issued by President Clinton in 1995 on this issue, on security clearances?

Mr. REID. My friend from Michigan is answering the question.

Mr. COLEMAN. Because in that order—again, I am looking at the standard, and I appreciate my colleague's words about going beyond the intent. In the executive order the standard is knowingly, willfully, or negligently. Is that the standard that is intended by this statute? Or is this amendment changing that standard?

Mr. LEVIN. The amendment speaks for itself. If you identify a covert CIA agent, and you have a security clearance, and the person to whom you identify that covert CIA agent does not have the right to receive that information, you lose your clearance. Period. I think it is pretty clear.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, who has the floor?

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. COLEMAN. How much time do we have left, Mr. President?

The PRESIDING OFFICER. There is 38½ minutes.

Mr. COLEMAN. Is that on both amendments?

The PRESIDING OFFICER. On both amendments.

Mr. COLEMAN. To be split between both sides?

The PRESIDING OFFICER. There is 38 minutes for the majority on two amendments.

Mr. COLEMAN. Thank you, Mr. President. I yield to the Senator from Alabama such time as he needs.

Mr. SESSIONS. Mr. President, I am very disappointed that we would have such an amendment offered at this time in our American process of passing a Homeland Security bill.

Karl Rove has served this country exceedingly well. One reason people do not want to involve themselves in public service is they go out and try to do something and somebody accuses them of a crime. He had no intent whatsoever to do anything wrong, to violate any law or out any undercover agent. And if the reports in the paper are so, and I assume they are, those are the facts.

Victoria Toensing, the former Assistant Attorney General of the United States, was quoted this morning on television. I happened to catch it. She is a skilled lawyer and articulate person. Asked: Was this statement that allegedly had been made that Wilson's wife worked at the CIA, did that violate the law—a law she wrote; she was involved in writing the bill to deal with the deliberate outing of undercover operatives of the United States—she answered in one word, ''No.''

So what we have on the floor of this Senate is an attempt to pass an ex post facto law to remove the security clearance of one of America's finest public servants.

Look here. ''No Federal employee who discloses or has disclosed.'' We are going to change the law now? After somebody has done something that was not a violation of the law? What kind of principle of justice is that? This is a political charade. It is a game to embarrass the President of the United States, who is attempting to conduct a

war on behalf of the American people, a war this Congress has voted to support, overwhelmingly, by three-fourths vote. And I do not appreciate it. I think it is beneath this Senate's dignity. It is contrary to the quality of debate and effort to amend the laws we ought to have in this country.

I am shocked by it. I prosecuted for over 15 years in Federal court. You don't pass a law to go back and grab somebody who did something that was not a violation of the law in order to embarrass the President of the United States over nothing. He intended no harm here. He had no intention to out an undercover agent of the CIA—if these allegations are true, and I haven't talked to him about it.

I say this: Mr. Rove has served in the center of this Government since the President took office. He has conducted himself, I believe, with high standards. Yes, the colleagues on the other side probably have not been happy with the success he has had in helping President Bush in his campaign and other efforts. But he has not been accused of corruption or deceit or dishonesty, or certainly not anybody would suggest he would ever do anything to intentionally harm an agent of the United States who is out serving our country.

I say, this language is unacceptable. We ought to vote it down flatly. It is not proper and we ought not to be doing that at this time.

I yield the floor.

Mr. REID. Mr. President, I yield 8 minutes to the Senator from West Virginia, Mr. ROCKEFELLER.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, as vice chairman of the Senate Select Committee on Intelligence, I strongly support the Reid amendment. Senator REID is addressing a problem that has become endemic in recent years. It is something of which I have become acutely aware since I was appointed to that position 4½ years ago, the leaking of classified information.

Barely a day goes by, frankly, when you don't read or watch press reports that contain classified information. The country is the lesser for it. I tell my colleagues, these leaks do real damage to our national security. When individuals with access to our Nation's secrets disclose those secrets to the public, they are telling our enemies about our intelligence capabilities and potentially how to defeat them. When intelligence sources and methods are exposed, we lose the ability to collect the information that will keep America safe. Good intelligence is the foundation of national security. We know that. It guides our foreign policy, it helps us determine what weapons systems to build, and how to shape and deploy our military forces. It is critical to our efforts to stop terrorists before they attack.

Intelligence that is compromised, therefore, makes America less secure. There is no excuse when individuals entrusted with these secrets leak them. It is not just careless or unfortunate, it is dangerous. Among the secrets we guard the most closely are the identity of our spies. Revealing the identity of a covert agent not only ends the effectiveness of that individual, it puts that person in grave personal danger, and such disclosure also puts at risk all of the agent's colleagues and the people the agent has recruited around the world over the years. In other words, when you expose the name of a covert agent, people can die.

The consequences of such exposure are so severe that in 1982 the Congress passed the Identities Protection Act, to criminalize this behavior. But apparently that is not enough. Last year, someone with access to classified information told members of the press the identity of a covert CIA operative. They did this not to expose some wrongdoing, but because they wanted to embarrass her husband. Someone calculated that our national security was less important than scoring points in the press for the administration's policy regarding Iraq. The act was deplorable.

Over the past 2 years the special prosecutor appointed to investigate this crime has pursued it aggressively. He may now be making headway, we don't know, but it is unclear whether he will ever accumulate enough evidence to bring the guilty party or parties to justice. If he is unsuccessful, we should not let that be the end of this sorry episode. We can and should make it clear that people entrusted with classified information cannot carelessly disclose that information without consequence.

Federal employees are bound to protect classified information. If they do not, the very least sanction they should face is to lose the privilege of holding a security clearance. We have to make clear to those in the Federal workforce entrusted with protecting highly sensitive information that there are consequences for these disclosures.

The amendment by Senator REID does exactly that. It is straightforward and is common sense. If you disclose classified information to somebody not authorized to receive it, you are no longer allowed to hold a security clearance. The FBI and the Justice Department may not be able to gather sufficient evidence to prosecute leakers, but the Director of National Intelligence should be able to use this administrative tool to help stem the tide of unauthorized disclosures. We need to get serious about this problem and this is a good place to start.

The Frist amendment attempts to equate the unauthorized disclosure of classified information with unclassified remarks regarding an FBI report that some object to on political grounds. There is nothing inherently improper or illegal about making ''reference'' to an FBI report, or making a ''statement'' based on some unidentified FBI agent's comments. The law is clear about the importance of protecting highly sensitive national security secrets, including the identity of a covert agent. The Frist amendment makes a mockery of the gravity associated with leaking classified information by suggesting that any unclassified reference to any FBI report anyone believes is being used as propaganda is somehow as serious an offense.

Under the twisted logic contained in the Frist amendment, the remarks of FBI Director Mueller himself, if used by a purported terrorist group to discredit the United States, would cause the Director to lose access to classified information. It is absurd. This is absurd. The Frist amendment seeks to rewrite the freedom of speech clause of the Constitution and should be dismissed by this body out of hand.

The Reid amendment, on the other hand, is clear and measured. If you disclose classified information without authorization, your security clearance should be revoked.

I end by asking my colleagues, what is wrong with this?

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I yield up to 10 minutes to the Senator from Kansas.

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

Mr. ROBERTS. Mr. President, I am still a little unclear in regard to the Reid amendment. I understand from three Senators—Senator LEVIN, Senator DURBIN, Senator REID—that this also applies to public employees, i.e., Senators. If that is the case, if Members are included, one of the things we have to determine is that '' . . . to a person not authorized to receive such information shall be permitted to hold a security clearance for access to such information''—well, we don't have security clearances.

By our election, we are deemed to be cleared for all security, and so we are not losing anything. If in fact somebody unintentionally came to the floor and in a public statement basically said or disclosed or has disclosed classified information including the identity of a covert agent of the Central Intelligence Agency, the answer to this is meaningless because we don't have a security clearance. They don't exist for Members. We are deemed to have a total clearance. And so I don't know what the remedy is.

Again, if you do it unintentionally, I can tell you that is a slippery slope. There have been Members basically inadvertently saying things in the Chamber and in the public that could match this amendment. I am not going to get into names, but I think that has happened in the past without question. I know it happened in the Intelligence Committee, probably the Armed Services Committee, probably many other committees.

This is just not very clear, and what we have here is a Special Prosecutor with a lot of leaks; we have a reporter in jail for a story she did not write; we have a steady stream of leaks about every aspect of this case; we have the Washington press corps in full attack mode; and, finally, before we have all the facts known, we have my colleagues across the aisle calling for Karl Rove's resignation, if not incarceration. So much for the presumption of innocence.

Don't get me wrong; we must protect the identities without any question, as my distinguished vice chairman of the committee, Senator ROCKEFELLER, has said, but that obligation also extends to the Agency for which they work. I just think here we have a tempest, to characterize the newest revelations in the Valerie Plame case as a stunning turn of events demanding immediate action by the President, the special prosecutor, and now the Congress of the United States. I am not a big advocate of the ''shoot now, ask questions later'' approach. I certainly prefer to know the facts and then make a judgment.

My preference notwithstanding, the judgment of the current deluge of media coverage seems to be based on the premise that the White House—i.e., Karl Rove—was trying to discredit Ambassador Wilson for his much-publicized opposition to the war. It is important to remember that there is already a record on this point, and I urge Members to really pay attention to the record.

More than a year ago, the Senate Intelligence Committee issued its unanimous report on prewar intelligence assessments on Iraq. We have a 511-page report explaining in detail how our intelligence agencies got it wrong.

Now to the subject at hand, this so-called tempest. Included in that report was a recitation of the facts that surround the now infamous travels of the former Ambassador Joe Wilson, who can best be described as a bit player in the Iraq story, notwithstanding his substantial efforts to embellish the significance of his role.

Mr. Wilson became quite a celebrity and questioned the President's veracity as he carefully crafted his public persona as a ''truthteller.'' He went on a media blitz, Mr. President. He appeared on more than 30 television shows including, ironically, ''The Daily Show,'' a fake news show. Time and time again, he told anybody who would listen that the President had lied to the American people, the Vice President had lied, and that he had debunked the claim that Iraq was seeking uranium from Africa.

However, the committee found not only did he not debunk the claim, he actually gave some intelligence analysts even more reason to believe it may be true. In an interview with committee staff, the same committee staff that interviewed over 250 analysts to prove that we had systemic problems in the intelligence community, he was asked how he knew some of the things he was stating publicly with such confidence. On at least two occasions, he admitted that he had no direct knowledge to support some of his claims and he was drawing on either unrelated past experiences or no information at all. For example, when asked how he knew that the intelligence community had rejected the possibility of a Niger-Iraq uranium deal as he wrote in his book, he told committee staff that his assertion may have involved ''a little literary flair.''

I urge my colleagues to read the 511-page report that was voted out 17 to nothing.

The former Ambassador, either by design or through ignorance, gave the American people or, for that matter, the world, a version of events that was inaccurate, unsubstantiated, and misleading. What is more disturbing, he continues to do so today.

Now that the Washington press corps is in a full-attack mode over the recent revelations in the Valerie Plame case, Ambassador Wilson is back on the circuit. He is continuing his self-proclaimed quest to have Karl Rove, in his words, ''frog marched in handcuffs'' out of the White House. And basically that is what we are trying to do with this amendment, if you follow the partisan line of thinking as put forth by Ambassador Joe Wilson. And before all the facts are known, he has been joined by a chorus of colleagues and liberal action groups calling for Karl Rove's resignation and in some cases even incarceration. So much for the presumption of innocence.

Now, don't get me wrong. If someone willfully or knowingly outs an undercover intelligence officer, they should be punished. Senator ROCKEFELLER is exactly right about that. Punishment should be reserved, however, for those who have actually committed a crime. The law requires knowledge. And if Mr. Rove didn't know and no one told him that Valerie Plame was undercover, then, pardon me, he did not break any laws. The mere fact that one works for the CIA is not in and of itself classified.

As important, the law presumes the Government is taking ''affirmative measures to conceal'' the officer's intelligence relationship to the United States. I am just not convinced that a serious effort to conceal an undercover officer's intelligence relationship includes driving to CIA headquarters every day for work.

The Intelligence Committee has examined with staff the issue of cover before and identified a number of serious problems, and we are currently examining the issue of cover once again because some of these problems do persist. While we should leave the criminal investigation to the Special Prosecutor, we will continue our work to ensure that those who are actually undercover get the protection they need and deserve.

Again, as for the former Ambassador, no one needed to discredit him. He took care of that himself.

Now, before I close, I would like to say something in response to the gray picture painted by the distinguished minority leader. Much has been said about the grave damage that was done to our Nation's security when Valerie Plame's name was revealed to the press. There has also been speculation that Ms. Plame, although nominally undercover, really wasn't undercover at all. So as part of the Intelligence Committee's ongoing oversight of the issue of cover, we will examine this case and see where the truth lies.

Basically, I think we are on the wrong track here, and again I urge my colleagues, if you put in law that if anybody reveals classified information unintentionally, including the Members of this Senate, that is a slippery road we will go down where current Members who I see sitting in the Chamber would fit into that category, and it is unwarranted, unneeded. It is not the way to do it according to the act that was cited by my distinguished colleague from Minnesota.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REID. I yield 5 minutes to the distinguished Senator from Connecticut, Mr. DODD.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I thank my colleague and leader, Senator REID. Let me respond to a couple of points. I had not intended to get involved deeply in this debate, but a couple things strike me, Mr. President, as this debate evolves.

First of all, this is an appropriate discussion on this bill. On what more appropriate piece of legislation could you have discussion than this one regarding intelligence matters that deal with the very issue of homeland security. So I don't understand the objection. You may object to the amendment, but the idea that on the Homeland Security bill where security plays a critical role, it seems to me discussing this matter has relevancy.

Secondly, it is our responsibility as Members of Congress to draft legislation to try to deal with these matters. Certainly what the Senator from Nevada has raised is responding to what is a national story, one that has been around now for the last several years, a matter, I might add, that could have been resolved probably a couple of years ago had Mr. Rove at the time said, Look, I am the person who spoke to Matt Cooper. I am the one who used Mr. Wilson's wife, describing her in those terms, and maybe explained at the time he didn't intend to do it. We might not be talking about this matter as extensively as we are today. But the fact is they covered it up for the last 2 years rather than coming clean and saying, I had that conversation.

I am perplexed at what the response of this is. Are my colleagues on the

other side suggesting as the alternative to what Senator REID proposes a better suggestion that people who do reveal highly classified information, the names of covert agents, should be allowed to continue to keep their secret classification? I don't think so.

That is really what the point of this is, to make the case that when anyone reveals, including Members of this body, highly classified information, the names of covert agents, you lose the privilege of having a security clearance. It is not a criminal indictment. It just says if you do that, you don't have the privilege of having that kind of a classification. I don't know why there is such a protest. This ought to be adopted unanimously.

Where is the objection? This does not mention Karl Rove, although certainly his actions have provoked this discussion. If in fact it turns out that he is indicted, then he will have to face those allegations. But to suggest that somehow we should do nothing about this, despite the fact that everyone is talking about it across the country—it has been a serious problem, it needs to be addressed, an investigation is ongoing—that should not deprive this body of responding to a situation where classified information, the name of a CIA agent, has been revealed and we ought to say something about it.

So, Mr. President, I think what Senator REID has proposed is eminently reasonable. It is applying to everyone here. And Senator ROCKEFELLER, our friend from West Virginia, is absolutely correct. It is an ongoing problem, almost on a daily basis, and we need to speak loudly and clearly, it has got to stop. If we are going to be more secure as a people, then we need to stop revealing important information and the identities of people who we depend upon to make us more secure. That is what the Reid amendment does.

My hope is we would have 100 Members supporting this amendment instead of a divisive debate over whether this is about an employee at the White House who, in my opinion, probably ought to voluntarily step aside pending the investigation and voluntarily give up his security clearance.

If he were a police officer in any department in the United States who had been accused of such a transgression, the chief of police would ask him to step aside temporarily, not to resign, not to retire but to step aside pending the investigation to determine whether the allegations were true.

That is what ought to happen here. But Mr. Rove is not directly the subject of this amendment. It is simply a response to a problem that exists in our country and one that needs to be addressed. Senator REID is right, and if our colleagues were smart, they would endorse this amendment and support it unanimously at the appropriate time when the vote occurs.

Mr. President, I yield the floor.

Mr. COLEMAN. Mr. President, once again, let's be very clear. It is about politics. That is all this is about—politics. We have an Executive order that has been in place for 10 years that talks about dealing with classified information, talks about what happens when classified information is revealed. An Executive order, by the way, has a standard, deals with a situation: knowingly, willfully or negligently. We have a standard.

My colleagues on the other side talk about a coverup. We have a matter that is being investigated by special counsel. The President of the United States says: I have confidence in the special counsel. Let's see what he does. We have Karl Rove, who is cooperating with the special counsel, who openly said: Whoever I talked to, talk to them.

There is no cover. This is about politics. I just came from a press conference a little while ago with the head of the campaign committee of the Democratic Party about this issue with Joe Wilson.

It is about politics. We have an amendment in which on the first blush it talks about Federal employees, and then after questioning they say: Well, yes, it means public officials. It is not in there.

But what happened to the greatest deliberative body in the world?

This is about politics. We have an amendment crafted as an ex post facto. Will that pass muster? I don't know. I have questions about it.

Again, I go back to the Executive order. It is very clear. It talks about knowingly, willfully, negligently. That makes sense. If you are an individual with your wallet stolen with a piece of information in there that led to the agent being uncovered, you are impacted by this. What about if your office is in a secure facility, somehow it was burglarized; are you covered? There is a reason you have an Executive order that has been in place 10 years that provides a knowing standard, a logical standard, an effective standard.

This is a poorly crafted piece of political propaganda. That is all it is.

Listen to the facts. They are based on what I read in Newsweek.

Instead of doing what you would think we do in this deliberative body, we wait to see what the special counsel has to say. We wait to get the facts before the Senate. If, in fact, we find this Executive order is lacking in scope, is lacking in effect, is somehow not doing the job it needs to do, we can provide some legislation to deal with it.

We have none of that. What we have is ''gotcha politics'' in Washington in 2005. So we are dealing with something that is hastily crafted, poorly crafted, that does not explicitly say who it covers, that does not have a clear standard of intent, that is simply unnecessary—unnecessary when the conduct that was supposed to be concerned about, or should be concerned about is already covered by Executive order.

Mr. SESSIONS. Will the Senator yield?

Mr. COLEMAN. I yield.

Mr. SESSIONS. The Senator from Minnesota is an experienced prosecutor and understands these things.

It also, as I read it, says, if you reveal the identity of a covert agent without an intent—you might not even know that person was a covert agent, isn't that right?—you would be in violation of the statute.

Mr. COLEMAN. The Senator from Alabama, based on my reading of this, is correct.

Mr. SESSIONS. That is another example of the poor drafting of this statute, to hold somebody accountable for a perfectly innocent mistake—a strict liability statute that requires only the revealing of information that somebody happened to be a covert agent when the person did not even know it.

Mr. COLEMAN. I suggest to my friend from Alabama that is the reason, in the Executive order, we have a standard of knowing. In fact, if you do something negligently, there is a standard and you can be held accountable. But there is no such standard, whatever, in this hastily crafted political amendment and, as such, my colleagues should reject it.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. This amendment is an amendment that deals with the following:

> No Federal employee who discloses, or has disclosed, classified information, including the identity of a covert agent of the Central Intelligence Agency, to a person not authorized to receive such information shall be permitted to hold a security clearance for access to such information.

How in the world can anyone in this Senate vote against this? The only reason I can figure out is that there is an attempt to divert attention, an attempt to cover up. It is an abuse of power. This is absolutely something that everyone should vote for.

There have been wails of concern from the other side but very little discussion of this amendment. I simply say, when they talk about the Executive order, I learned in law school that a Federal law would supersede any Executive order.

I yield 4 minutes to the Senator from California, Mrs. FEINSTEIN.

Mrs. FEINSTEIN. Mr. President, there are some who may disagree with the proposition at the heart of Senator REID's amendment; that is, that U.S. Government officials who violate the laws governing safeguarding sources should not be permitted to have continued access to that information. I happen to agree with that. I happen to think it is a fair point to discuss. As the Senator from Connecticut said, it is appropriate for this discussion.

In fact, there is a document that every employee signs. It is entitled ''Department of Defense Secrecy Agreement.'' The second part of it reads:

> I agree that I will never divulge, publish or reveal, either by word, conduct, or by any

other means, any classified information, intelligence, or knowledge, except in the performance of my official duties and in accordance with the laws of the United States, unless specifically authorized in writing in each case by the Secretary of Defense.

It is my understanding Senators do not sign it, Members of Congress do not sign it, but members of the administration and staff do sign this document.

All the Reid amendment does, essentially, is codify what has been carried out informally by regulation.

The second-degree amendment is not fair or honorable. It is clearly designed to threaten a Member's unquestionably lawful conduct. It is venal. I believe it is unprecedented.

We have asked the historian of the Senate if this has ever been done before. He said, no, never in the Senate. Once, in the House of Representatives, from 1836 to 1844, the House had a gag rule on all motions pertaining to abolition of slavery. They were immediately tabled. Otherwise, there never has been an effort like this.

The problem with the substitute amendment, and let me read it, is this.

It says strike all that follows and add the following:

Any federal office holder who makes reference to a classified Federal Bureau of Investigation report on the floor of the Senate, or any federal officeholder that makes a statement based on an FBI agent's comments which is used as propaganda by terrorist organizations thereby putting our servicemen and women at risk, shall not be permitted access to such information or to hold a security clearance for access to this information.

Yesterday, I had a meeting with the Director of the FBI. We discussed many aspects of the PATRIOT Act. Supposing I had come to the Senate and discussed those aspects and Al-Jazeera picked it up and used it as propaganda. I am within my rights to discuss that. It is unclassified. I know of no Senator that has come to the Senate and used any information that was classified.

Now, there have been accusations. I got that FBI report. I have it right here. It has a big X through secret and has written on it:

All information contained herein is unclassified except where shown otherwise.

What this amendment aims to get at is clearly a venal retribution. Candidly, I object to it. It has never happened in the Senate before. And it should not happen today.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I appreciate very much the statement of the Senator from California. No one works harder in the Senate than this Senator. She serves on the Committee on Appropriations, the Committee on Energy and Natural Resources, Judiciary, Rules and Administration, and Intelligence. She has served honorably on the Intelligence Committee and spent days of her life in the Intelligence Committee. I very much appreciate her statement.

How much time remains with the majority and the minority?

The PRESIDING OFFICER. The majority has 20½ minutes and the minority has 20½ minutes.

Mr. REID. I yield 4 minutes to the Senator from California, Mrs. BOXER.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, the Reid-Levin Rockefeller-Biden amendment is very clear. I will read it again so that, hopefully, the American people know what we are debating. This is what we are debating:

No Federal employee who discloses, or has disclosed, classified information, including the identity of a covert agent of the Central Intelligence Agency, to a person not authorized to receive such information shall be permitted to hold a security clearance for access to such information.

Why is this important? It is important because when this story broke, CIA agents and folks at the CIA were absolutely horrified that the name of a covert agent had been leaked, putting that covert agent in grave danger.

Now who could vote against this? I don't know. We are going to find out. But let me state what I think it is about. Either you stand on the side of these brave undercover operatives who risk their lives every day, without people with a political agenda going after them to reveal them, or you stand on the side of those who would play politics and have played politics with their identity.

Why did it happen in this particular case? Because this particular administration did not like what they heard from a particular gentleman, and to punish him, they went after his wife. And they didn't care. You cannot tell me because you didn't use her everyday name that it was hard to find out who she was.

If somebody says Senator BOXER's husband did thus and so, even if he had a different last name, it would not be too hard to find out who my husband is.

So here we had a political agenda and Senator COLEMAN talks about how horrible it is to play politics on the floor of the Senate. Publishing an ''enemy's list'' is the worst form, and the lowest form, of politics you can have. This took it to a whole other level when it involved someone who was an undercover agent.

I want to say a word about the second-degree amendment, which is unbelievable. Under the second-degree amendment, if this passes, every single Member in the Senate will lose their security clearance. Anyone in this Senate who ever came down to the floor and said anything about the pictures at Abu Ghraib will lose their clearance. Anyone who ever came to the floor and said, I think it is important, when the President makes a nomination, we get all the information, including reading an FBI report. Let me say, and I guess I will lose my clearance, but I will say it right now, up against this amendment, this ridiculous second-degree amendment—I say right now, whenever the President nominates someone for a high position and there is an FBI file, I say to my friends, you are not doing your job if you do not read it.

Under this, I guess I lose my security clearance.

So be it. But I think everyone in this Senate has lost their security clearance because every one of us has spoken about the Iraqi war.

Now my colleague says we don't have a security clearance. You have read this. You have written this. So there you go.

Your side wrote, can't have a security clearance. So all I can say is, one side can say you are playing politics, the other side can. Put that aside. Read this amendment. It is the right thing to do. Either you stand on the side of the brave men and women who risk their lives undercover every day or you stand on the side of politics. You make up your mind.

I yield the floor.

Mr. COLEMAN. Mr. President, I yield 2 minutes to the Senator from Kansas.

Mr. ROBERTS. Mr. President, for the record, my good friend, my colleague from California, does not have a security clearance. None of us do. We are deemed by the electorate to be cleared from the lowest to the highest. We do not have a security clearance to lose.

So that is not accurate. And I don't court the venal part of this.

In terms of the second-degree amendment, unless I was hearing something different and somebody raised the issue, as Congress included in this—the Senate—along with Federal employees who either intentionally or unintentionally reveal classified information, Senator LEVIN, Senator DURBIN, Senator REID said ''yes.'' So that is reflective of the second-degree amendment.

If that is not the case, we have a double standard for Members of Congress or other public officials as opposed to Federal employees. We ought to get that straight, which is why I think the suggestion from the Senator from——

Mrs. BOXER. Will my friend yield for a question?

Mr. ROBERTS. No. I only have 2 minutes. But perhaps on down the road.

That is why I think the suggestion of the Senator from Minnesota is a good one, that we ought to go into a quorum call to try to figure out what this means.

Read the language in detail. Intentionally or unintentionally reveal classified information—I have news for you, we have people in the intelligence community who make mistakes, inadvertently make mistakes. This is going to end the career of many young people who will make mistakes down the road and lose their security clearance.

Security clearances are an administrative process, not a statutory process. The Reid amendment strips all distinction from employees in regard to their home agency and in regard to any discretion.

Mr. President, could I have one more minute?

Mr. COLEMAN. Mr. President, I yield another minute to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for one additional minute.

Mr. ROBERTS. So in your zeal to hang Karl Rove—and that is what this is about—you are going to put a stake in the careers of national security professionals from here on in.

During the administrative procedure by that home agency or that person's superior officer, they can be counseled, they can be admonished, but they do not lose their security clearances. They do make mistakes. I don't know how many that is going to be, but that is going to be a bunch.

That is going to send a chilling effect throughout our entire intelligence community. This is poorly written. We ought to go into a quorum call and work it together so we at least know what the outcome is going to be.

Mrs. BOXER. Could you yield now on your time?

Mr. ROBERTS. I don't have any time. It is his time.

Mr. REID. Mr. President, I yield 5 minutes to the distinguished Senator from New York, Mr. SCHUMER.

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

Mr. SCHUMER. Thank you, Mr. President. I would like to compliment my friend from Kansas for his remarks. While I am not sure he is right, he is doing what we should be doing on this floor. We presented an amendment on a serious issue, and he is debating that amendment. He is saying: Here is a place in the amendment that I think is wrong, and maybe you ought to change it.

That is how a debate ought to go. But the response of my colleagues who have cosponsored the other amendment is not that at all. It is not to debate a serious issue that involves national security. It is, rather, to create a smokescreen—''You stick it to us, we will stick it to you''—when we all know that the issue of who leaked this information is a serious issue. We did not say it is a serious issue. President Bush did. George Tenet did. The original investigation I was involved in creating because I called George Tenet and said: This is an affront to all CIA agents. He agreed, and called the Justice Department and said: Do an investigation. It is serious stuff.

What do we get in response? A smokescreen. It is almost sort of the childish sticking out your tongue back at somebody. Debate the issue. I can understand why you do not want to debate the issue. Somebody in the White House did something seriously wrong. Does anyone have any doubt that if this occurred under a Democratic President that you would want to debate it, as you should? The opposition party is intended in this Republic to be a check.

As I said, I originally called for this investigation. I worked with Deputy Attorney General Comey to get an independent counsel who was above reproach. I never mentioned a word about any individual. Because there was none. There was all this swirl about Karl Rove. You did not hear the senior Senator from New York talking about it. You, rather, heard me say: Let's get to the bottom of this.

But in the last 2 or 3 weeks, we have seen some serious and indisputable evidence. We do not know if it meets the criminal standard. That is why I have not called for Karl Rove to step down. But we do know, without any doubt, that security was compromised. You cannot hide behind the argument: Well, I mentioned the husband and not the wife and, therefore, I didn't breach some kind of security.

While the criminal law standard says you had to know whether that wife was classified, whether Ms. Plame, Agent Plame was classified, that is not the standard in terms of entitling someone with the privilege of hearing national security secrets.

If you cannot keep those secrets, if you disclose those secrets, for whatever motivation, and particularly a venal one, if that was the case, political retribution, you do not deserve to continue to hear those secrets. That is what the amendment offered by my colleagues from Nevada and Michigan and West Virginia simply says. It is the right thing to do.

The President should have done it without any amendment. If someone leaks a name—and it looks more and more as though it was Karl Rove; and we know for an undisputed fact—his lawyer admitted it—he stepped right up to the line—we don't know if criminally he stepped over it or not; that will be for Mr. Fitzgerald to determine, not for us—then he should not have that security clearance.

You are right, my colleagues, we should not have to be here today. The President should have done this on his own. And if you think the amendment is poorly drafted, as my good friend from Kansas does, that is what this place is all about. Come and tell us why and how we can change it and make it better.

But if the response is simply to say, ''Oh, we're going to try to create a smokescreen or maybe intimidate you on the other side,'' that is not worthy of what this body is about, at least in its better and finer moments.

So, my colleagues, I would hope we could have a 100-to-nothing vote on the amendment by the Senator from Nevada. Yes, it is embarrassing that it happened in the White House, and they are Members of your party. But it happened. No one disputes it happened. I do not think a single American thinks that nothing should be done.

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

Mr. SCHUMER. I urge support of the Reid amendment and rejection of the amendment offered by the Senator from Minnesota.

Mr. REID. What time remains on both sides, Mr. President?

The PRESIDING OFFICER. The majority has 17½ minutes. The minority has 10 minutes 49 seconds.

Mr. REID. Mr. President, I would ask, under the usual status here, under the usual procedure, that I would have the close here. But we have more time than you have, as I understand it—17½ minutes—and you have 10; is that right?

The PRESIDING OFFICER. The majority has 17½ minutes. The minority has 10 minutes 49 seconds.

Mr. REID. I was just thinking we were in the majority, but I guess we are not.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I yield such time to the majority whip as he needs.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. MCCONNELL. Mr. President, I rise to speak on the Frist amendment, which is one of the two votes we will have shortly.

First, let me say, I regret we are spending an hour and a half of the Senate's time, when we should be debating and completing the Homeland Security bill, engaged in extensive political sparring.

The Karl Rove amendment—and that is exactly what it is—richly deserves to be defeated. I certainly would encourage all of our colleagues to vote against that amendment when it is before us shortly.

But with regard to the Frist amendment, Senators ought to be especially careful when they repeat unproven allegations about the conduct of our troops, particularly during a time of war. Our enemies can make use of such statements. And their propaganda puts at risk our service men and women who are, of course, out there protecting us every day.

Unfortunately, this very thing happened last month when one of our colleagues repeated unproven allegations about our service men and women who were interrogating suspected terrorists. It was reported in the Middle East. It would be hard to believe that it did not do damage to our troops while we continue to fight in the war on terror in that region.

It seems to me if we are going to impose strict liability on Federal employees who act indiscreetly, then we should not have a different standard for ourselves. I know our colleagues on the other side of the aisle have indicated that the Reid amendment intends to include Senators, but it seems not to be drafted that way. If Senators disclose classified information or repeat unproven allegations that endanger our troops, then it seems to me we ought to lose our access to classified information as well.

The Reid amendment does not do that because it talks about Federal employees, which seems to mean only

civil servants. Again, I acknowledge and recognize that those on the other side of the aisle have said it means to include us. However, it does not seem to in the plain meaning of the amendment.

The Frist amendment makes it clear that we, as Federal officeholders, also lose our access to confidential information if we act rashly, intemperately, and thereby put our troops at risk. What the Frist amendment is about is the security of our servicemen and our servicewomen.

Statements on the Senate floor—out here on the Senate floor—comparing our service men and women to tyrannical regimes that result in risking their safety must not and should not stand. I hope when the Senate has an opportunity to address both of these amendments shortly, the Reid amendment will be defeated and the Frist amendment will be adopted.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I yield 4 minutes to the Senator from New Jersey, Mr. LAUTENBERG.

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

Mr. LAUTENBERG. Mr. President, I rise to support the Reid amendment. It is something we have to do, given the White House inaction on Mr. Rove's behavior. We hear nitpicking about words. What was the intention? Is it ex post facto law? No, it is not ex post facto law. We are not just writing a law here. What we are doing is trying to curtail a situation that enables someone at the White House level to make a statement that, frankly, sounds as if it is traitorous, as defined in April of 1999, when former President George H. W. Bush said, speaking about the outing of a CIA agent and sources: ''I have nothing but contempt and anger for those who betray the trust by exposing the name of our sources. They are in my view the most insidious of traitors.'' That is right: traitors.

So now we know who leaked the information, revealed publicly, Mr. Rove. Where is the appropriate action? Well, here is a quote from a White House press briefing with Scott McClellan on September 29, 2003.

Q: You said this morning, quote, ''The President knows that Karl Rove wasn't involved.'' How does he know that?

A: Well, I've made it very clear that it was a ridiculous suggestion in the first place. . . . I've said that it's not true. . . . And I have spoken with Karl Rove. . . .

Q: When you talked to Mr. Rove, did you discuss, ''Did you ever have this information?''

A: I've made it very clear, he was not involved, that there's no truth to the suggestion that he was.

We go to the next episode. This is Scott McClellan on September 29, 2003:

If anyone in this administration was involved in it, they would no longer be in this administration.

I guess it takes a long time to terminate somebody. That was over a year and a half ago.

President George W. Bush said on September 30, 2003:

If somebody did leak classified information, I'd like to know it, and will take appropriate action.

It is pretty clear what is intended here. He violated the rules of the White House here. Why shouldn't the public be aware of the fact that, as they try to distribute guilt all over the place, it comes from the President's very senior assistant? That is what we are talking about. The rest of this is trivial. It is getting even. It is recrimination: I will get you if you get me.

So we ought to move on positively on the Reid vote. Let's see how everybody stands on this, whether they want the public to know the truth; and that is: Karl Rove, did he violate the rules? Did he violate the regulations when he went ahead and revealed something that never should have been made public, the identification of a CIA employee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I yield 2 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, last week we saw the terrorist attack on an ally. Our country faces very important homeland security challenges. We have been in the midst of debating important public policy issues—how best to secure mass transit or to prepare our first responders. I cannot believe the Senate has diverted from that important debate—a debate important to Americans all across this country—and instead of finishing up the Homeland Security bill, we have diverted to debate these issues.

We should not be doing this. This is exactly why the American public holds Congress in such low esteem right now.

We should be focusing on the national security and homeland security challenges facing this Nation. We should not be engaging in this debate. I, for one, am going to vote no on both of the amendments.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Minnesota.

Mr. COLEMAN. Madam President, I understand the frustration of my colleague from Maine. I urge that we lower the rhetoric here and go about doing our business. There is a special counsel looking at this. Contrary to what my colleague from New Jersey said—he said we are not writing the law here—that is what we are doing. We are writing a law here. I have worked with my colleagues across the aisle. I have worked with them on the permanent subcommittee, on the Foreign Relations Committee. I know how studious they are. I know how focused they are in doing the right thing. I know how when they want to do something, they want to make sure it is complete. They want to make sure they have examined it.

They can all see what we are doing here. It is about politics. We are writing a law here. We are writing it on the run. We are writing it without clarifying the definition of who is covered. We are writing it without clarifying what the standard of intent is, whether it is beyond negligent conduct. We are writing it without reflection on an existing Executive order that covers the conduct we all want to deal with.

My colleague from California was right. Whose side are you on? Are you on the side of the agents who risk their lives to protect the American dream and the American ideal, things this body is supposed to stand for, or are you for politics? Today we are about politics. Today we are diverting from a $31 billion bill to protect America's security, and we are debating politics.

We don't know the facts. We have a special counsel whose job it is to get the facts. The President is committed to act on that. Instead we are playing politics. This is not a shining moment for the Senate. I have to believe my colleagues on the other side of the aisle know that. I urge my colleagues to defeat the Reid amendment.

I reserve the remainder of my time.

Mr. REID. Madam President, I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I have two quick points. First, the current law which has been referred to by my good friend from Minnesota is a discretionary law. Whether someone does this intentionally or negligently, the violation may or may not lead to the loss of one's clearance. That is simply too loose. It is too discretionary. It has resulted in leak after leak after leak. It is long overdue that we tighten this law, and that is the effort of the amendment before us. It relates directly to the national security of the United States.

I agree with my dear friend from Maine when she says we have to address national security issues. Protection of the classified identity of CIA agents is essential to the national security of the United States. If one identifies an agent, a CIA agent, it seems to me that person should lose their clearance, no ifs, no ands, no buts. That is not something which should be left to a ''may'' lose one's clearance. It should be a ''shall'' lose one's clearance.

On the second-degree amendment, the amendment of the majority leader, when it states that . . . ''Any Federal officerholder that makes a statement based on an FBI agent's comments which is used as propaganda'' shall lead to the loss of clearance, we had a whole hearing yesterday about FBI agents' statements. Those statements were highly critical of the Department of Defense employees at Guantanamo. These included a number of FBI agents' e-mails that were critical. Those were the subject of a hearing of the Armed Services Committee yesterday. Many

members of the Armed Services Committee were highly critical of the conduct of some of the people at Guantanamo as reflected in those FBI e-mails.

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

Mr. REID. I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the minority leader.

Madam President, I want to raise this point: If you can't discuss the issue of intelligence and security on a bill about homeland security, where would you raise the issue? What we are talking about here are men and women who are the first line of defense against terrorism. These are intelligence agents who literally, many of them, risk their lives every day to protect Americans.

What happened here? There was a decision made by some people in the White House—that is what Mr. Novak said—to disclose the identity of a covert CIA agent, the wife of former Ambassador Joe Wilson, for the purpose of political retribution. That is what it was all about. They were angry with Ambassador Wilson, and so they were going to disclose his wife's identity, a woman who had put her life on the line for the United States. That disclosure endangered her life and the lives of everyone she worked with. It was political.

The Senator from Minnesota is right. At the heart of this is politics: a decision by someone in the White House at the highest level for political revenge to go after the identity of this woman.

Let me tell you what other CIA officers had to say about it. They all happen to be Republicans. After this happened, this is what they said, those who were contemporaries of hers:

> My classmates and I have been betrayed. Together, we have kept the secret of each other's identities for over 18 years. . . . This issue is not just about a blown cover. It is about the destruction of the very essence, the core, of human intelligence collection activities—plausible deniability—apparently for partisan domestic reasons.

We have heard people come to the floor on the Republican side who have said this is all political and it is not that important and why don't we get back to the bill. It is important. What Senator REID has offered—an amendment which I am proud to cosponsor—basically says, if you disclose the identity of a covert CIA agent, you lose your security clearance. Why? Because why should we continue to give information to people about those who are risking their lives for America if they are going to misuse it, in this case, for political purposes? That is what this is all about. It is fundamental and basic.

For those who say: I am going to vote against that, think about what you are saying. You are saying a person can disclose the identity of a CIA agent and still keep their security clearance, gathering more information and the identity of more agents. How can that give the men and women in our intelligence community any confidence that we stand behind them? I don't believe it can.

There is a second-degree amendment that has been offered and referred to by the Senator from Kentucky. In the time I have been on Capitol Hill, it may be the worst drawn amendment I have ever seen. I don't think those who put it together sat down and read it very carefully. Because if they did, they would understand that the language they put in it is so broad and so expansive that it draws together many innocent people and many people they didn't intend.

Listen to this: Any Federal officerholder who makes reference to a classified Federal Bureau of Investigation report on the floor of the Senate shall lose their security clearance.

We did a quick check. I am sorry to say to the Senator from Kentucky, you are going to be stunned to know that many chairmen and former chairmen of the Senate Judiciary Committee have done just that. They have disclosed a classified reference to a classified Federal Bureau of Investigation report on the floor of the Senate. I won't read all the names of my colleagues into the RECORD—I guess I could—who have come to the floor and have already violated this provision in the second-degree amendment.

One of my colleagues was on the floor. I went to him and said: I am not going to read your name into the RECORD. You did it. You may not have known you did it, but you did.

This amendment was so poorly drafted that it has brought all of them under this prohibition where they can't have a security clearance.

Let me tell you the second part on which the Senator from Kentucky continues to make reference. If the standard is, whatever we say on the floor may be used by an organization such as Al-Jazeera against the United States, we are in trouble. These are the clippings from Al-Jazeera's Internet site where they have cited Senator after Senator for things they have said on the floor. Be careful on the second-degree amendment. It goes far beyond what they intended.

Mr. REID. I yield 1 more minute to the Senator from Illinois.

Mr. DURBIN. The Senate Armed Services Committee had a meeting yesterday. They discussed FBI reports about Abu Ghraib, about Guantanamo. They have no control—the members of that committee—about how those reports will be used by others. Here is the Al-Jazeera Web site which referred to Senators on that committee who were using those reports. Under the language of the amendment being offered by the Senator from Kentucky and the majority leader, these Senators, who believed they were doing their job, would lose their security clearance. I know they are trying to come back and attack us and say, if you are going to say something negative about Karl Rove, we are going to say something negative about you. But this amendment was so poorly drawn that they have drawn into their net of suspicion and accusation many of their own colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. I yield 2 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, there might be a contest between which of these amendments is most poorly drafted. The Reid amendment that kicked off this event, that surprised me when it came up in this last minute, says that ''No Federal employee who discloses, or has disclosed classified information . . . '' And goodness, that has already been disclosed. It is something that has already happened. Apparently, it is not a violation of the law. Now we are going to reach back and make it a violation of law. That is ex post facto law. It would come back from the Supreme Court, if anybody were ever charged and convicted under it, like a rubber ball off the wall.

Mr. LEVIN. Will my friend yield for a question on that?

Mr. SESSIONS. No, 2 minutes is all I have.

It also says ''no Federal employee,'' and the Senator says that includes Senators. He can say it includes turnips, but it doesn't include Senators. It says Federal employees, and that does not cover Senators. It also says a covert agent, and there is no intent or knowledge required. So a person could mention a name not knowing they were a covert agent and be subject to this punishment. Frankly, I don't think the other amendment is much better. Both should be voted down.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. How much time do we have left?

The PRESIDING OFFICER. There is 9 minutes 31 seconds remaining.

Mr. COLEMAN. I yield 2 minutes to the majority whip.

Mr. MCCONNELL. Madam President, I thank my friend from Minnesota.

While we are talking about poorly drafted amendments, listen to this. Under the Reid amendment, it imposes a standard of strict liability so that a civil servant who loses his wallet would lose his security clearance. A civil servant who loses his wallet under the Reid amendment would lose his security clearance. What is the point of all this? We ought not to be, as Senator COLLINS pointed out, having these political debates on this bill. But if our colleagues on the other side insist on trying to offer these kinds of amendments, I think the point needs to be made clearly that there will be amendments offered on this side. In other words, this kind of political gamesmanship on the Senate floor will not

stand, will not be yielded to, will not succeed. In the end, the public will only get the impression that we are playing games here when we should be dealing with their business. Their business, the underlying bill, is the Homeland Security bill, of extraordinary importance to our country. Hopefully, shortly the time will run out, and we will get back to doing the people's business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Madam President, before we close, I do want to get back to perhaps some of the underlying facts that motivated this amendment. By the way, we don't know the facts. We just know what we have read. The Democratic leader cited a poll that appeared in the Wall Street Journal. I have an editorial that appeared in the Wall Street Journal yesterday, July 13. I ask unanimous consent to print it in the RECORD.

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

[From the Wall Street Journal, July 13, 2005]

KARL ROVE, WHISTLEBLOWER

Democrats and most of the Beltway press corps are baying for Karl Rove's head over his role in exposing a case of CIA nepotism involving Joe Wilson and his wife, Valerie Plame. On the contrary, we'd say the White House political guru deserves a prize—perhaps the next iteration of the ''Truth-Telling'' award that The Nation magazine bestowed upon Mr. Wilson before the Senate Intelligence Committee exposed him as a fraud.

For Mr. Rove is turning out to be the real ''whistleblower'' in this whole sorry pseudoscandal. He's the one who warned Time's Matthew Cooper and other reporters to be wary of Mr. Wilson's credibility. He's the one who told the press the truth that Mr. Wilson had been recommended for the CIA consulting gig by his wife, not by Vice President Dick Cheney as Mr. Wilson was asserting on the airwaves. In short, Mr. Rove provided important background so Americans could understand that Mr. Wilson wasn't a whistleblower but was a partisan trying to discredit the Iraq War in an election campaign. Thank you, Mr. Rove.

Media chants aside, there's no evidence that Mr. Rove broke any laws in telling reporters that Ms. Plame may have played a role in her husband's selection for a 2002 mission to investigate reports that Iraq was seeking uranium ore in Niger. To be prosecuted under the 1982 Intelligence Identities Protection Act, Mr. Rove would had to have deliberately and maliciously exposed Ms. Plame knowing that she was an undercover agent and using information he'd obtained in an official capacity. But it appears Mr. Rove didn't even know Ms. Plame's name and had only heard bout her work at Langley from other Journalists.

On the ''no underlying crime'' point, moreover, no less than the New York Times and Washington Post now agree. So do the 136 major news organizations that filed a legal brief in March aimed at keeping Mr. Cooper and the New York Times's Judith Miller out of jail.

''While an investigation of the leak was justified, it is far from clear—at least on the public record—that a crime took place,'' the Post noted the other day. Granted the media have come a bit late to this understanding, and then only to protect their own, but the logic of their argument is that Mr. Rove did nothing wrong either.

The same can't be said for Mr. Wilson, who first ''outed'' himself as a CIA consultant in a melodramatic New York Times op-ed in July 2003. At the time he claimed to have thoroughly debunked the Iraq-Niger yellowcake uranium connection that President Bush had mentioned in his now famous ''16 words'' on the subject in that year's State of the Union address.

Mr. Wilson also vehemently denied it when columnist Robert Novak first reported that his wife had played a role in selecting him for the Niger mission. He promptly signed up as adviser to the Kerry campaign and was feted almost everywhere in the media, including repeat appearances on NBC's ''Meet the Press'' and a photo spread (with Valerie) in Vanity Fair.

But his day in the political sun was short-lived. The bipartisan Senate Intelligence Committee report last July cited the note that Ms. Plame had sent recommending her

* * * * *

Mr. COLEMAN. It talks about Karl Rove the ''whistleblower.'' I don't want to read all of it, but in part it reads:

For Mr. Rove is turning out to be the real ''whistleblower'' in this whole sorry pseudoscandal. He's the one who warned Time's Matthew Cooper and other reporters to be wary of Mr. Wilson's credibility. He's the one who told the press the truth that Mr. Wilson had been recommended for the CIA consulting gig by his wife, not by Vice President Dick Cheney as Mr. Wilson was asserting on the airwaves. In short, Mr. Rove provided important background so Americans could understand that Mr. Wilson wasn't a whistleblower but was a partisan trying to discredit the Iraq War in an election campaign.

I believe what I have read, that Mr. Rove may have said it was Wilson's wife who worked at the CIA. We don't know that. Did he know she was a covert agent. We don't know.

It goes on and on to talk about the 1982 law:

. . . Mr. Rove would had to have deliberately and maliciously exposed Ms. Plame knowing that she was an undercover agent and using information he'd obtained in an official capacity. But it appears Mr. Rove didn't even know Ms. Plame's name and had only heard about her work at Langley from other journalists.

We don't know what he knows, Madam President. That is why there is a special counsel, and we should wait to find out what he finds. Nobody is arguing about debating these issues, but we are arguing about passing legislation. Contrary to what my friend from New Jersey says, we are writing a law. I want to remind my colleagues that we are writing a law that doesn't, on its face, in the language of it, cover us. As my friend from Alabama said, they say it covers us, but it doesn't. We don't come under the definition of Federal employees. So we are not covered by this hastily crafted, politically motivated amendment. This covers inadvertent, accidental, an act of God, anything, and your career is going to be impacted.

There is a reason we have an Executive order that has been in effect for 10 years, which has a standard of knowingly, willfully, and negligently. It covers the kind of conduct that you want to have covered.

The bottom line is this is about politics, that we have wasted a lot of the time of this body—the greatest deliberative body in the world—and this is not a shining moment. Let's get about doing our business and passing appropriations, shoring up homeland defense. Let's put the politics aside and let the special counsel do his work. Let's lower the level of the rhetoric and move on and keep doing the business of the people.

With that, I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Madam President, I will use my leader time. I believe this is a shining moment. It is shining the spotlight on what is going on in this country—abuse of power, diversion, and, of course, a coverup.

The analogy my dear friend from Kentucky used about the wallet is, for lack of a better description, without foundation. Anybody who thinks what we are doing is unimportant, I invite them to travel with me—as I did a number of years ago—to the CIA. When you walk into that facility at Langley, the first thing you see are the stars up on the wall for each CIA agent who has been slain, killed in the line of duty. I have never forgotten that. That is what this is all about.

We have someone who has obviously disclosed a name. We read it in the paper. Whether it is Karl Rove, I don't know. Someone did. This amendment says if someone does that, they should not have a security clearance. My friend, who I care a great deal about, the chairman of the homeland security authorizing committee, came to the floor and said the American people are fed up with what happened. She is right about that, too, because not much happens on issues they care about—issues like this staggering deficit. There was a celebration at the White House yesterday because the deficit was only the third largest in the history of the country. Education is failing. We know we have all kinds of problems in health care. Those are the issues we should be dealing with. Gas prices—maybe people care about that. We know they do.

So this is important. But when my friends on the other side are on the ropes, they attack. Just like in the Washington Post yesterday, I quote again:

The emerging GOP strategy, devised by RNC Chairman Ken Mehlman, is to try to undermine those Democrats calling for Rove's ouster, play down Rove's role, and wait for President Bush's forthcoming Supreme Court selection to drown out the controversy.

This is a coverup, an abuse of power, and it is a diversion. They have no interest in coming clean and being honest with the American people. The American people are seeing through

this. When I mentioned the Wall Street Journal, I say to my friend from Minnesota, I wasn't vouching for the editorial policy. I don't read them. I was vouching for a news story that had a poll they conducted with NBC. The poll showed that only 41 percent of Americans believe the President is being honest and straightforward. That is what this is about. It is a coverup, an abuse of power, and a diversion.

It is time to quit playing partisan politics and do some legislating for the American people. It is time for the White House to come clean. Everyone should support this amendment.

I yield the floor.

The PRESIDING OFFICER. All time has expired. The majority leader is recognized.

Mr. FRIST. Madam President, I will speak in leader time. For nearly 2 weeks, we have been working in a bipartisan manner for the goal of passing the Homeland Security bill, which spends almost $32 billion for homeland security, all of which is one of our most basic responsibilities, and that is to keep the American people safe and secure.

That is what the Senate, this body, was hard at work doing—up until about 2 hours ago, when the Democratic leadership chose raw, partisan party politics over protecting American lives. They filed their political amendments.

You know, the American people want better from their leaders than petty politics. Through their votes, they have put their trust in us, and they have elected us to serve their interests and, thus, this is a sad and a disappointing afternoon in the Senate.

Madam President, there is a special counsel who has been appointed to look at the whole issue of the CIA leak case. He is doing his job and he is investigating this whole matter. Do my colleagues on the other side of the aisle think that without any of the facts, the hundreds of hours of manpower, and interviews, and the investigation that the special counsel has done, they are better equipped to judge the facts of this case?

We should let the special counsel do his job, and we should focus on our jobs as Senators, which is, first and foremost, protecting the American people.

Lastly, I want to say that I think the first speech I gave in this Congress was an olive branch to reach out and say let's focus on civility. I thought the bitterly contested elections that we saw—once they were behind us, I thought we could focus on doing the Nation's business, moving America forward, governing.

Unfortunately, even on an issue that we should all agree on—homeland security—my colleagues prefer to score political points rather than focusing on the Nation's business. It is this kind of political stunt that causes many Americans watching to lose faith in this body, in elected officials. Let's get back to serving our constituents and get back to the issues that really matter to the American people, such as homeland security, protecting our country from terrorist attacks, strengthening our highways and transportation infrastructure, and pursuing a national energy policy.

I urge my colleagues to let civility and duty to the American people prevail. Oppose the Reid amendment; support the Frist amendment.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the Frist amendment.

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from South Carolina (Mr. DEMINT), and the Senator from Mississippi (Mr. LOTT).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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

The result was announced—yeas 33, nays 64, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—33

Alexander	Craig	Inhofe
Allard	Crapo	Isakson
Bennett	Dole	Kyl
Bond	Domenici	Martinez
Bunning	Ensign	McConnell
Burns	Enzi	Santorum
Burr	Frist	Shelby
Coburn	Grassley	Smith
Cochran	Gregg	Specter
Coleman	Hatch	Stevens
Cornyn	Hutchison	Vitter

NAYS—64

Akaka	Feingold	Nelson (NE)
Allen	Feinstein	Obama
Baucus	Graham	Pryor
Bayh	Hagel	Reed
Biden	Harkin	Reid
Bingaman	Inouye	Roberts
Boxer	Jeffords	Rockefeller
Brownback	Johnson	Salazar
Byrd	Kennedy	Sarbanes
Cantwell	Kerry	Schumer
Carper	Kohl	Sessions
Chafee	Landrieu	Snowe
Chambliss	Lautenberg	Stabenow
Clinton	Leahy	Sununu
Collins	Levin	Talent
Conrad	Lieberman	Thomas
Corzine	Lincoln	Thune
Dayton	Lugar	Voinovich
DeWine	McCain	Warner
Dodd	Murkowski	Wyden
Dorgan	Murray	
Durbin	Nelson (FL)	

NOT VOTING—3

DeMint	Lott	Mikulski

The amendment was rejected.

VOTE ON AMENDMENT NO. 1222

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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 yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), and the Senator from Mississippi (Mr. LOTT).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted ''no.''

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—44

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

NAYS—53

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

NOT VOTING—3

DeMint	Lott	Mikulski

The amendment (No. 1222) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, we are getting close to the end here. We hope there will be one vote left and that will be on final passage.

AMENDMENTS NOS. 1160, 1206, AND 1110, EN BLOC

I do, however, initially ask unanimous consent that the following amendments be called up: No. 1160, Mr. REID; No. 1206, Mr. SARBANES; No. 1110, Ms. LANDRIEU; and that they be agreed to by unanimous consent, en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I object.

Mr. GREGG. We will hold off and reserve the right on that.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I withdraw amendment No. 1200.

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

AMENDMENT NO. 1224

Mr. REID. I send an amendment to the desk for Senators BYRD and STABENOW.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for Mr. BYRD, for himself, and Ms. STABENOW, proposes an amendment numbered 1224.

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

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

The amendment is as follows:

On page 81, line 24, increase the first amount by $50,000,000.

On page 82, line 4, after ''tion'' insert ''*Provided further*, That an additional $50,000,000 shall be available to carry out section 33 (15 U.S.C. 2229)''.

On page 77, line 20, increase the amount by $20,000,000.

On page 77, line 24, after ''grants'' insert '', and of which at least $20,000,000 shall be available for interoperable communications grants''.

On page 85, line 18, after ''expended'' insert '': *Provided*, That the aforementioned sum shall be reduced by $70,000,000''.

On page 82, line 21, strike ''$5,000,000'' and insert ''3,000,000''.

Mr. REID. Mr. President, does anyone want to speak on this issue?

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. I have to see the amendment. I object.

Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. I tell my colleagues we are about to have final passage, and they are trying to run several amendments through I have haven't seen. I object to it. I would like to see the amendments. I think I have that right as a Member of this body. So I object to any amendment that I have not seen.

Mr. GREGG. Is the Senator comfortable with the three we just sent over?

I would ask the Chair if the Senator has seen the three I mentioned for unanimous consent.

Mr. MCCAIN. I am looking at them now.

I do not object to 1110 now that I have seen it.

Mr. GREGG. The three that we just sent up?

Mr. MCCAIN. I haven't seen the other two.

The PRESIDING OFFICER. The Senator from New Hampshire Mr. GREGG. I will reserve on all three of these until the Senator—

Mr. REID. Mr. President, with the permission of the Senator from Arizona, I would ask that a quorum be called.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, I would ask unanimous consent that amendments Nos. 1206 and 1110, Senator SARBANES and Senator LANDRIEU, and the Reid amendment, I think it is 1160, which I raised prior to this, be agreed to, as modified.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments (Nos. 1206, 1110, and 1160, as modified) were agreed to, as follows:

AMENDMENT NO. 1206

(Purpose: To require that funds be made available for the United States Fire Administration)

On page 83, line 26, strike the period at the end and insert '': *Provided further*, That of the total amount made available under this heading, $52,600,000 shall be for the United States Fire Administration.''.

AMENDMENT NO. 1110

(Purpose: To give priority for port security grants to ports with high impact targets, including ports that accommodate liquified petroleum vessels or are close to liquified natural gas facilities)

On page 78, line 19, insert ''or the proximity of existing or planned high impact targets, including liquified natural gas facilities and liquified petroleum vessels,'' after ''threat''.

AMENDMENT NO. 1160

On page 100, between lines 11 and 12, insert the following:

SEC. 519.(a) Congress makes the following findings:

(1) The Homeland Security Advisory System had been raised to threat level Code Orange, a level which indicates a high risk of terrorist attack, on six occasions since the Advisory System was created in March 2002, prior to the rasing of the threat level to Code Orange following the bombings that occurred in London on July 7, 2005.

(2) The Code Orange threat level remained in place for an average of 13 days on each of the first five occasions that it was raised to that level.

(3) The sixth elevation of the threat level to Code Orange occurred in August 2004 and ended 98 days later, making it four times longer than any other such alert and constituting half of the days that the United States has been under a high risk of terrorist attack.

(4) The Conference of Mayors estimates that cities in the United States spend some $70,000,000 per week to implement security measures associated with the Code Orange threat level.

(5) The recommendation to elevate the threat level is made by the Homeland Security Council, a group of Cabinet officials and senior advisors to the President and Vice President, (in this section referred to as the ''Council'').

(6) In May 2005, Secretary of Homeland Security Tom Ridge revealed that there was often considerable disagreement among the members of the Council as to whether or not the threat level should be raised.

(7) There remains considerable confusion among the public and State and local government officials as to the decision-making process and criteria used by the Council in deciding whether the threat level should be raised to Code Orange.

(b) Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study examining the six occasions in which the Homeland Security Advisory System was raised to Code Orange prior to July 2005 and submit to Congress a report on such study.

(c) The report required by subsection (b) shall include an explanation and analysis of the decision-making process used by the Council to raise the threat level to Code Orange in each of the six instances prior to July 2005, including—

(1) the criteria and standards used by the Council in reaching its decision;

(2) a description of deliberations and votes of the Council were conducted, and whether any of the deliberations and votes have been transcribed or were otherwise recorded in some manner;

(4) an explanation for the decision, on the sixth occasion, for the threat level to remain elevated for 98 days, and what role, if any, staff of the White House played in the decision to raise the level on that occasion;

(5) a description of the direct and indirect costs incurred by cities, States, or the Federal Government after the threat level was raised to Code Orange on each of the six occasions; and

(6) the recommendations of the Comptroller General of the United States, if any, for improving the Homeland Security Advisory System, including recommendations regarding—

(A) measures that could be carried out to build greater public awareness and confidence in the work of the Council;

(B) whether the Council and the Secretary of Homeland Security could benefit from greater transparency and the development of more clearly articulated public standards in the threat level decision-making process;

(C) whether the current composition of the Council should be modified to include representatives from the States; and

(D) the measures that could be carried out to minimize the costs to States and municipalities during periods when the Homeland Security Advisory System is raised to level to Code Orange.

(d) The report required by subsection (b) shall be submitted in an unclassified form.

AMENDMENT NO. 1206

Mr. SARBANES. Mr. President, I offered an amendment that would ensure the continued funding and operation of the United States Fire Administration. I offered this amendment on behalf of myself and the three other Cochairmen of the Congressional Fire Services Caucus, Senators DEWINE, BIDEN, and MCCAIN, as well as Senators MIKULSKI, MURRAY, FEINGOLD, CORZINE, and STABENOW.

This amendment simply designates $52.6 million in funds for the United States Fire Administration, USFA. This amount is equal to the Administration's fiscal year 2006 budget request, and represents a slight increase

of $1.3 million over last year's funding level.

The amendment calls for no additional funding in the underlying bill, and thus requires no offset. USFA has traditionally been funded through the Department's preparation, mitigation, response, and recovery account. However, without a congressional allocation or line item for USFA in the Department's annual appropriations bill, Congress has failed to adequately acknowledge its continued support for the use of these funds. As a result, there is annual confusion and uncertainty regarding the level of funding USFA will ultimately receive. This amendment is therefore simply an exercise in good government, providing transparency and accountability in how we allocate our limited homeland security funds.

This amendment is also quite modest. In 2003, the Senate unanimously approved legislation to reauthorize USFA through fiscal year 2008. This legislation, which was signed into law by the President on December 6, 2003, calls for $64.85 million in the coming fiscal year for USFA's operations. While I believe USFA should ideally receive funding at this fully authorized level, this amendment is a bipartisan compromise that will ensure that, at a minimum, the agency will be able to maintain its essential functions.

At a time when there are sharp disagreements over our homeland security priorities, the U.S. Fire Administration remains a proven investment, providing critical training and resources to our Nation's first responders. In this regard, I was pleased that Homeland Security Secretary Michael Chertoff, in his remarks yesterday unveiling the Department's Second Stage Review Results, affirmed USFA's important role in the transformed Department. In designating USFA as a constituent element of the Department's new Preparedness Directorate, Secretary Chertoff noted the Fire Administration's expertise, declaring that this move would ''strengthen our linkages and our preparation within the fire services.''

In 1973, a landmark report entitled America Burning was produced by the National Commission on Fire Prevention and Control. Among many other findings and recommendations, America Burning called for the creation of a national agency dedicated to serving and improving the fire services. In response to that report, Congress created such an agency in 1974, which would later become what we now know as the United States Fire Administration. USFA provides training, guidance, and support to firehouses around the country from those who understand them best—fire service professionals themselves. USFA's current Administrator, R. David Paulison, is a terrific example of the agency's expertise. Chief Paulison, who has ably led the agency for the past 4 years, is a 30-year veteran of the fire services and former chief of the Miami-Dade County Fire Department.

Among USFA's most vital functions is its role as the Nation's premier training center for our fire service leaders. The National Fire Academy is the centerpiece of USFA's training programs and has educated an estimated 1.4 million fire leaders since its first class was held in 1975. Although headquartered in Emmitsburg, Maryland, the Academy conducts courses all over the Nation in order to maximize the number of fire leaders who can benefit from its instructors' expertise. Significantly, the Academy now offers training and coursework in the National Incident Management System, NIMS, and the National Response Plan, NRP, two critical elements of our overall homeland security strategy. USFA also houses the Emergency Management Institute, EMI, which offers a full complement of courses and programs for state, local, and tribal emergency management officials from across the country.

Since the creation of the Department of Homeland Security 3 years ago, there have been grave concerns in the first responder community that efforts were underway in the Department to reduce the role of USFA, as well as its support, perhaps culminating in the agency's eventual demise. This past February, the International Association of Fire Chiefs held a summit meeting of 17 major fire service organizations to address concerns about USFA's funding, and its future within the Department of Homeland Security.

On April 8, 2005, the findings of that summit were unanimously endorsed by the 45 national fire groups that comprise the National Advisory Committee of the Congressional Fire Services Institute. Among the goals in this agreement was the following:

> [T]he fire service recommends that both the President's budget and the DHS's appropriations bills have a separate line item for the USFA. Currently, the USFA funding is included in the ''Preparedness, Mitigation, Response, and Recovery'' account, and it is hard to determine exactly how much money has been appropriated for the USFA. Since Congress specifically authorizes funding for the USFA in a separate bill, there also should be a line item in the president's budget and appropriations bills to hold the President and Congress accountable to the authorization levels that they approved.

This amendment would achieve this reasonable and modest goal, which was unanimously and vigorously supported by our Nation's major fire service groups.

This amendment is endorsed by the International Association of Fire Chiefs and the Congressional Fire Services Institute. I ask unanimous consent that a letter from IAFC President Bob DiPoli be printed in the RECORD.

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

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS,
Fairfax, VA, July 11, 2005.

Hon. PAUL S. SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: Thank you for offering an amendment to the fiscal year (FY) 2006 homeland security appropriations bill to ensure that the U.S. Fire Administration (USFA) is funded at $52.6 million. The International Association of Fire Chiefs (IAFC) endorses this amendment. We believe that specific, dedicated funding for the USFA will shine a light on the agency's critical role in preparing firefighters to respond to all hazards, from the everyday house fire to a terrorist attack. An appropriation of $52.6 million will allow the USFA to fulfill this important mission.

Established in 1873, the IAFC is a network of more than 12,000 chief fire and emergency officers. Our members are the nation's experts in responding to structural and wildland fires, hazardous materials incidents (including chemical, biological, radiological, and nuclear events), technical rescues (including swiftwater rescues, confined-space rescues, and auto extrication), and emergency medical situations.

In late 2004, many fire service leaders began to express concern that the USFA and its training arm, the National Fire Academy (NFA), were suffering a diminished role within the U.S. Department of Homeland Security (DHS), as well as diminished funding. On February 24, 2005, representatives of 17 major fire service organizations met in Washington, DC to examine USFA's funding and decide upon a course of action. U.S. Fire Administrator R. David Paulison and Acting FEMA Director of Operations Kenneth O. Burris briefed the attendees on the status of funding at USFA and NFA and addressed the future of those agencies.

With regard to USFA funding, the results of the summit can be boiled down to this: America's fire and emergency services are the first to respond to—and the last to leave—any incident, large or small. The U.S. Fire Administration serves as the lead federal agency in addressing the federal government's role vis-à-vis our nation's fire and emergency services, and training America's fire service leaders on everyday fire fighting as well as new national preparedness requirements such as the National Response Plan (NRP) and the National Incident Management System (NIMS). The USFA also plays a key role in coordinating critical infrastructure protection awareness and information-sharing activities for the emergency management and response sector. Because of its unique role, USFA must have adequate resources to fulfill its mandated mission.

The fire service organizations believe that USFA is under-funded. In 2003, Congress passed the United States Fire Administration Reauthorization Act of 2003 (P.L. 108–169), which authorized funding for USFA from FY 2004 through FY 2009. Congress authorized $63 million for USFA in FY 2005 and $64.9 million in FY 2006. By contrast, the estimated USFA funding for FY 2005 is $51.3 million, of which $9.6 million will fund the NFA. At the February 24th summit, the U.S. Fire Administrator informed the fire service representatives that the president intends to fund the USFA at $52.6 million in FY 2006.

If funded at $52.6 million, USFA will be able to expand its training capabilities and enhance its course development, ensuring that the NRP and the NIMS were included in every course. It would allow the USFA to add more courses and hire staff to replace retirees. USFA could streamline two-week courses into one-week courses by adding a more robust and interactive online component, thereby allowing more students to

take classes at the NFA. The USFA could use the increased funding to improve and expand other online courses. Finally, the USFA could expand national prevention, public education, research, and data collection programs to more effectively address fire and life safety challenges that threaten lives and the national infrastructure.

According to a December 30, 2004 editorial in Fire Chief magazine, current USFA funding levels are putting on hold new course development, course revisions and contract reviewers for applied research projects. The budget for the Executive Fire Officer Program, which trains senior officers and others in key leadership positions with graduate-level courses in transforming the fire service, has been cut from $233,000 to $65,000. According to a high-ranking USFA official who recently retired, the NFA's role in the prevention of fires, injuries, and now terrorism is rapidly diminishing. Finally, at current funding levels, it will be difficult for USFA to train as many firefighters, and to incorporate the NIMS and NRP into all of its courses, as it could do with higher funding levels. As of FY 2006, the DHS Office of State and Local Government Coordination and Preparedness will begin to tie compliance with the NRP and NIMS to the receipt of federal homeland security funding. Clearly, funding USFA at $52.6 million will benefit America's fire service and public safety generally.

The need for a line item for the USFA budget in the homeland security appropriations bill stems from the fact that the USFA has suffered an unjustly diminished role within DHS. Before the department was established in 2003, only the director of the Federal Emergency Management Agency (FEMA) stood between the U.S. Fire Administrator and the president. Because FEMA was the lead federal emergency response agency, the fire service could influence the development of response policies and conduct training for national emergencies. Those policies and that training had the benefit of real-world, on-the-ground experience. However, when the DHS was created, the Emergency Preparedness and Response (EP&R) Directorate absorbed both FEMA and the USFA. Now, the USFA reports through FEMA, which reports through the EP&R Directorate, which reports through the Secretary of Homeland Security to the president.

A line item would increase the accountability that the USFA, the EP&R Directorate, and the DHS have to Congress. Good government principles dictate that an agency having its own authorization bill should have an individual appropriation. A line item would allow Congress—which deemed the USFA important enough to have its own authorization—the ability to judge for itself whether the USFA is using appropriated funds to the maximum public benefit.

For these reasons, the IAFC is pleased to endorse your amendment. I applaud you for taking a leadership role on this very important national safety issue.

Sincerely,

CHIEF ROBERT A. DIPOLI, RET.,
President.

Mr. SARBANES. I urge my colleagues to support this amendment.

AMENDMENT NO. 1224

Mr. GREGG. Mr. President, I now ask unanimous consent that the amendment that Senator REID called up on behalf of Senator BYRD, 1224, be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1224) was agreed to.

AMENDMENT NO. 1216, AS MODIFIED

Mr. GREGG. Mr. President, I now ask unanimous consent that we turn to the Boxer amendment and she be recognized for 2 minutes on that amendment.

The PRESIDING OFFICER. The Senator from California is recognized for a period of 2 minutes.

Mrs. BOXER. I thank the Chair so much. I call up amendment No. 1216, on behalf of myself and Senator INHOFE.

The PRESIDING OFFICER. The amendment is pending.

Mrs. BOXER. Mr. President, since 9/11, those of us on the Environment and Public Works Committee, in a very bipartisan way, have attempted to bring legislation to the Senate to begin the process whereby we can protect our nuclear power plants, first by making sure that there is an assessment made on each power plant, what are their vulnerability needs, and then making sure that these plants are protected from terrorists.

We know that on September 10, 2002, in a taped interview on Al-Jazeera, it included a statement that al-Qaida initially wanted to include a powerplant in its attacks on the United States. And we on the committee passed out a bill and passed another one last month. This amendment says it is the sense of the Senate it should pass bipartisan legislation to address nuclear powerplant security prior to the August recess.

Colleagues, we have a limited time. We need to move forward.

I would accept a voice vote, if that is OK with Senator GREGG, and I think he would prefer that. But we would like to have a clear voice vote if we could at this time.

Mr. GREGG. I believe we are ready to vote.

Mrs. BOXER. I send up a modification.

The PRESIDING OFFICER. Is there objection to the modification of the amendment? Without objection, the amendment is so modified.

The question is on agreeing to the amendment, as modified.

The amendment (No. 1216), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

SEC. . STRENGTHENING SECURITY AT NUCLEAR POWER PLANTS.

(a) FINDINGS.—The Senate finds that—

(1) A taped interview shown on al-Jazeera television on September 10, 2002, included a statement that al Qaeda initially planned to include a nuclear power plant in its 2001 attacks on the United States.

(2) In the 108th Congress, the Senate Environment and Public Works Committee approved bipartisan legislation to improve nuclear plant security. No action was taken by the full Senate.

(3) Last month, the Senate Environment and Public Works Committee again approved bipartisan legislation to improve nuclear plant security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congress should pass bipartisan legislation to address nuclear power plant security prior to the August recess.

Mrs. BOXER. Mr. President, I ask unanimous consent that Senators JEFFORDS, VOINOVICH, and CARPER be added as cosponsors.

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

Mrs. BOXER. I thank my colleagues.

AMENDMENTS NOS. 1140 AND 1144, AS MODIFIED, EN BLOC

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I call up amendments 1144 and 1140 at the desk. I send modifications to those amendments to the desk. I ask that they be agreed to en bloc.

The PRESIDING OFFICER. The clerk will please report.

The assistant legislative clerk read as follows.

The Senator from New Hampshire [Mr. GREGG], for Mr. SESSIONS, proposes an amendment numbered 1140, as modified.

The Senator from New Hampshire [Mr. GREGG], for Mr. MARTINEZ, proposes an amendment numbered 1144, as modified.

Mr. GREGG. I ask unanimous consent they be agreed to.

The PRESIDING OFFICER. Without objection, the amendments are so modified and agreed to.

The amendments were agreed to, as follows:

AMENDMENT NO. 1140

On page 66, line 17, after ''Alert;'' insert the following:

'', of which not less than $5,000,000 may be used to facilitate agreements consistent with 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) and the training required under those agreements;''

AMENDMENT NO. 1144

At the appropriate place insert the following:

SEC. Senate of the Senate Regarding Threat Assessment of Major Tourist Attractions.

(a) FINDINGS.—Congress finds the following:

(1) Whereas terrorists target areas of high population and national significance in order to inflict the most damage to a free society.

(2) Whereas preparedness is vital in emergency planning, prevention and response to a terrorist attack.

(3) Whereas first responders in cities with nationally significant tourist populations face increased strain in training and preparation for terrorism.

(4) Whereas cities with nationally significant tourist populations have been previously targeted by terrorist groups in an effort to disrupt the economy and spread fear and anxiety.

(5) Whereas tens of millions of Americans travel to tourist destinations annually and many of those destinations lie outside of major cities and therefore are not adequately addressed by threat assessments that only include permanent city residents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in the assessment of threat as it relates to the dispersal of Department of Homeland Security funding the Secretary should consider tourism destinations that attract tens of millions of visitors annually as potentially high risk targets.

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

The motion was agreed to.

AMENDMENTS NOS. 1139, AS MODIFIED, AND 1225, EN BLOC

Mr. GREGG. I call up amendment 1139 and send a modification to the

desk on behalf of Senator SESSIONS. I send to the desk a second degree to that amendment proposed by Senator KENNEDY. I ask they be agreed to en bloc.

The PRESIDING OFFICER. The clerk will please report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. SESSIONS, proposes an amendment numbered 1139.

The PRESIDING OFFICER. The clerk will please report the second-degree amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. KENNEDY, proposes an amendment numbered 1225 to amendment numbered 1139.

Mr. GREGG. I ask unanimous consent the amendments be agreed to.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments were agreed to, as follows:

AMENDMENT NO. 1139

On page 66, line 6, strike ''$3,050,416,000'' and insert ''$3,052,416,000.''

On page 66, line 17 after ''Alert;'' insert the following:

''of which no less than $1,000,000 may be used for increasing the speed, accuracy and efficiency of the information currently being entered into the National Crime Information Center database;''

AMENDMENT NO. 1225

On page 1, line 8 of the amendment, after the word ''database,'' insert ''of which no less than $2,000,000 may be for the Legal Orientation Program.''

Mr. GREGG. I move to reconsider the vote.

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

The motion was agreed to.

AMENDMENTS NOS. 1150 AND 1200, WITHDRAWN

Mr. GREGG. Mr. President, I ask unanimous consent that amendment No. 1150, amendment No. 1200 be withdrawn.

The PRESIDING OFFICER. Without objection, the amendments are withdrawn.

REIGNING IN GOVERNMENT CONTRACTORS

Mr. COLEMAN. Mr. President, I rise today to engage in a colloquy with my good friend and colleague Senator BOND, the Chairman of the Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Subcommittee.

I had intended to offer an amendment to the Homeland Security Appropriations bill today. However, I understand that Senator BOND has agreed to work with me on the issues contained in my amendment in order to address tax cheats in the Transportation, Treasury Appropriations bill instead. I appreciate Senator BOND's interest in this important issue and I also appreciate his willingness to work with me to ensure that this common sense, bipartisan amendment is included in his appropriations bill.

This is a commonsense, bipartisan amendment that will address two problems the Permanent Subcommittee on Investigations identified in separate hearings. First is the issue of Federal contractors who continue to get new contracts even though they owe millions of dollars in unpaid taxes. And second is the Government's inability to monitor the unnecessary expenditure of millions of dollars by DOD personnel on first and business class airline tickets.

I am pleased to be joined by my good friends and colleagues, Senator LEVIN, the ranking Democrat on the Permanent Subcommittee on Investigations, Senator WYDEN, Senator AKAKA and Senator COBURN.

If my colleagues are concerned about the deficit, concerned about saving the taxpayer money, then our amendment should be an easy one to support. Who doesn't support making certain that those who do business, with the Government pay the taxes they admittedly owe? And who doesn't think that Government employees like those at DOD should fly coach rather than first or business class? This is common sense.

Let me get into the specifics.

On June 16, 2005, the Permanent Subcommittee on Investigations, which I chair, learned there are problems that prevent the Government from collecting unpaid taxes from Federal contractors. Even more troubling is the fact that these contractors who have not paid their taxes continue to receive new contracts from the Government.

When the Government pays a Federal contractor, it has the option of paying directly from the Treasury or by using a credit card. Last year, the Government paid $10 billion to Federal contractors using credit cards. One of the problems we identified is that the Financial Management Service, which is responsible for collecting unpaid taxes from Federal contractors, cannot collect these owed taxes unless the contractor is paid directly from the Treasury. When the Government makes purchases with a credit card, the bank that issued the card acts as a middle man between the Treasury and the contractor. Thus, the contractor is only known to the bank. For the Government to collect unpaid taxes, we need to know which contractors are being paid.

For example, a NASA contractor who owes nearly $200,000 in unpaid taxes was paid $570,000 last year. Because they were paid directly from the Treasury, this contractor had $6,600 withheld from their contract payments to reduce their tax debt. This same contractor also received an additional $30,000 but the Government was unable to withhold money from this payment for tax debt because the contractor was paid with a credit card.

To fix this problem, the first section of my amendment would require the Government to develop procedures for collecting unpaid taxes when credit cards are used to pay Federal contractors. Again, this is not rocket science. This is commonsense, smart government that I think our constituents just expect from us.

At a second hearing on November 6, 2003, the subcommittee heard testimony that the Department of Defense had spent $123.8 million on first and business class travel in 2001 and 2002 and that 73 percent of this travel was not properly authorized or justified. This resulted in a loss of millions of dollars. The Office of Management and Budget requires all Federal agencies to annually report their first class travel to the General Services Administration in order to monitor travel for potential abuse. However, $120.9 million of the $123.8 million that DOD spent was for business class travel. For example, one DOD traveler spent $9,500 on a business class ticket which could have been purchased for $2,500 in coach class. Because this traveler used business class it would not have been reported. Given that the preponderance of DOD's abusive travel was business class, the abuse at DOD could not have been identified from DOD's annual travel report. The second section of my amendment corrects this for all Federal agencies by requiring the annual travel report to include both first and business class airline travel and further requires that the report be furnished to the Homeland Security and Governmental Affairs Committee and the House Government Reform Committee so we can more closely monitor Federal travel for potential abuse.

So, we have an opportunity to do some smart savings to reduce the deficit and that is simply to make sure that contractors doing business with Uncle Sam pay the taxes they owe, and that DOD personnel travel coach when it is on the Government's dime rather than high on the hog as has been the case.

I appreciate the strong bipartisan support we have for this amendment, and particularly for the good work of Senators LEVIN, WYDEN, AKAKA, and COBURN.

I hope this commonsense, good Government amendment that will help reduce our deficit can be adopted by the Senate as part of the Transportation, Treasury Appropriations Bill.

Mr. BOND. The Senator from Minnesota is correct. This is an important issue and I am committed on addressing with Senator COLEMAN on the Transportation-Treasury appropriations bill for fiscal year 2006, and I look forwarding to working with Senator COLEMAN in ensuring that this is done.

Mr. COLEMAN. I am happy to work with Senator BOND on these issues with, a goal of including these reforms on the Transportation, Treasury Appropriations bill for fiscal year 2006, I will not offer the amendment I filed and intended to offer to the Homeland Security Appropriations bill. I thank Senator BOND for his strong leadership on the Appropriations Committee and his support of this important amendment.

EXPLOSIVE DETECTION EQUIPMENT

Mr. LIEBERMAN. Mr. President, I rise to engage in a brief colloquy with the chairman and ranking member of the Homeland Security Appropriations Subcommittee, the Senators from New Hampshire and West Virginia, respectively.

It is my understanding the Senate Homeland Security; Appropriations Report includes language designating $50 million for ''Next Generation'' Explosive Detection Equipment, EDS, that ''have been tested, certified and are being piloted.''

Mr. GREGG. That is correct.

Mr. LIEBERMAN. I wholeheartedly support the need to encourage new technologies. However, I think it is important we further clarify the purpose of this funding stream.

I ask the Chairman ''Is it true the Transportation Security Administration, TSA, the agency responsible for issuing Letters of Intent, LOIs, that provides the funding to airports for the installation of EDS equipment, has only made less than a dozen LOIs available to the major airports? And is it not also correct smaller and medium hub airports have not received any of the LOIs issued to date?''

Mr. GREGG. The Senator from Connecticut is right. All the LOIs issued to date have gone to the larger hub airports.

Mr. BYRD. Mr. President, as I understand it, the Senator from Connecticut is concerned the Committee report language could be interpreted to limit the $50 million, which is almost a full third of the funding for EDS procurement, to only technologies currently being piloted.

Mr. GREGG. The committee has set aside the funding to encourage new technologies in the area of explosives detection systems and is not necessarily limited to one or two companies. TSA has assured the committee this language does not restrict them only to technologies already being piloted, and that additional technologies which may become certified and piloted in Fiscal Year 2006 would also be eligible for this funding for next-generation technologies.

Mr. LIEBERMAN. Therefore, is my understanding correct that the objective of this set aside was to aid in the development and deployment of next generation explosive detection equipment?

Mr. GREGG. The Senator from Connecticut is correct.

Mr. LIEBERMAN. I further hope the procurement and deployment of EDS machines will be based on acquiring the best technology for the particular airport in question.

Mr. BYRD. One of the lessons we learned from 9/11 was the aviation transportation system is only as strong as its weakest link. We know terrorists boarded planes at smaller, mid-sized airports, as well as larger airports. It is important the Department encourage development of technologies that can be used at different airports, and that are being made more effective and efficient.

Mr GREGG. I think this is everyone's objective.

Mr. LIEBERMAN. I applaud the leadership of both the Senator from New Hampshire and the Senator from West Virginia in helping to ensure TSA has the necessary funding to meet the critical missions of the agency and I appreciate their hard work on this issue.

Mr. BYRD. I thank the Senator from Connecticut for his interest in this matter.

Mr. GREGG. I also thank the Senator from Connecticut for his remarks and I look forward to working with him in the future on these issues.

ILLEGAL IMMIGRATION

Mr. HATCH. Would the gentleman from New Hampshire yield for a question?

Mr. GREGG. I would be happy to yield to the Senator from Utah for a question.

Mr. HATCH. As the chairman knows, one of the greatest roles entrusted to the hardworking employees of the Department of Homeland Security is to protect our Nation's borders and curb the growing tide of illegal immigration in this country. I thank my friend and colleague from New Hampshire for doing his best to address this great need with increased funding for, and greater attention to, this problem. As I travel around the State of Utah, there is not a single place I go where I do not have citizens come up to me and ask me to do something about the illegal immigration problems in their area. They are upset that our country continues to be unable to enforce our immigration laws and I do not blame them. I feel the same frustration.

For example, Mayor Toni Turk of Blanding recently informed me that his police department has made several arrests of illegal aliens and seized nearly 7 kilos of cocaine in the process. It would seem drug smugglers—most of whom are in the country illegally—are taking advantage of the de minimis level of immigration enforcement in remote areas of southeastern Utah. Incidents such as this one formed the basis of my request for the creation of an ICE/CBP office in Blanding, UT and I am grateful to the chairman for addressing my request in his committee report.

I have heard it said many times that the objective of illegal immigrants coming through the southern border of the country is to get as far north as possible as fast as he or she can. This comes from the either perceived or real concern that immigration enforcement is much tougher in the southern portion of the U.S. than it is in the northern portion. For a State located directly above some of the most porous borders in the country, this is a real concern. U.S. Interstate 70 and U.S. Interstate 15 in Utah have become large conduits for the smuggling of illegal immigrants and illegal substances as these foreigners flee from the southern states as fast as possible in order to get north where they believe enforcement is less stringent.

With two major arteries for illegal immigration running through the southern portion of Utah, citizens in that beautiful area have grown tired of the strain and difficulties presented by the flood of illegal immigrants.

Is the distinguished Senator aware of the significant immigration-related problems facing Utah, especially in the southern portion of the state including St. George and Blanding, UT.

Mr. GREGG. I assure you, I understand problems such as those being faced by the citizens of southern Utah.

Mr. HATCH. I thank the Chairman for recognizing what so many people do not; namely, that immigration problems are not limited to the border States.

One of the greatest concerns we Utahns have with the immigration enforcement in our State is the fact that the field office director overseeing Utah is located in San Francisco, CA. I hope my colleague will agree with me that having the oversight for a major illegal immigration artery located over 650 miles away from the area is disconcerting.

The immigration problems facing San Francisco are very different from the problems facing St. George, Blanding, Richfield, Cedar City, Provo, and Salt Lake and that is precisely why I would like to see a new field officer director located in Utah. It is my hope that the chairman will work with me to remedy these issues.

GREGG. I thank the Senator for his comments. I am pleased to say that we have included significant increases in immigration funding in this bill. It is my desire to see those funds spent in the most crucial areas of concern to this Nation and I believe they will help us make significant progress in the fight against illegal immigration.

While the issue of establishing new field office directors is properly that of the Secretary of Homeland Security, I will work with my colleague from Utah to address the issues troubling his State as I have done with all of my colleagues. I recognize that Utah faces certain unique challenges and I am confident they can be addressed.

I thank my colleague from Utah for his support in our efforts to secure the homeland, and I appreciate his bringing the problems facing southern Utah to the attention of the Senate.

Mrs. CLINTON. Mr. President, I rise today to express my concern over comments made by the Secretary of Homeland Security, Michael Chertoff. As several of my colleagues have already noted, Secretary Chertoff today made some very unfortunate comments about who is responsible for the safety of the tens of millions of people who use our mass transit systems every day. Secretary Chertoff said, and I quote, ''The truth of the matter is, a fully loaded airplane with jet fuel, a

commercial airliner, has the capacity to kill 3,000 people. A bomb in a subway car may kill 30 people. When you start to think about your priorities, you're going to think about making sure you don't have a catastrophic thing first.'' He further added that he believes that States and localities should bear primary responsibility in ensuring the safety of their mass transit systems.

The millions of New Yorkers who use the subways, buses, and ferries each day would be shocked and angered to hear that their Secretary of Homeland Security, Secretary Michael Chertoff, has declared that local governments are left to fend for themselves when it comes to paying for improved subway, train, and bus security.

The reality is that Americans should not be forced to choose between a safe airplane trip or a safe subway ride. They should both be priorities. Unfortunately, this administration has presented us with a false choice they would like us to believe that resources are so scarce that we can't afford to fully protect all of our transportation systems. For the last few days, my colleagues and I have been on the Senate floor, forced to debate whether we should fund rail safety or bus safety, secure our borders or fund more airline screeners. This debate is necessary because this administration has made the judgment that cutting taxes for the wealthiest Americans is more important than fully meeting our Nation's security needs. This administration's priorities are clear: $1.5 trillion in tax cuts and only $30 billion for homeland security.

So while I am outraged by Secretary Chertoff's comments belittling the threats posed to our subways and buses, I am not surprised. He is simply giving voice to this administration's misguided and indefensible priorities. If the London bombings didn't serve as a wakeup call to this administration that they need to reevaluate their priorities, I am hard pressed to understand what will make them understand the gravity of the threat millions and millions of Americans face every single day when they step onto a bus or a subway or a ferry to go about their daily lives.

Mr. McCAIN. Mr. President, before discussing the Homeland Security appropriations bill, I would like to take a moment to express my deepest condolences to our British friends as they deal with the aftermath of the terrorist bombings in London. Once again the world has seen the stark contrast between brutal terrorism, with its lust for violence, and liberal democracy, with its love for freedom. The British people knew, after September 11, 2001, that there could be no accommodation with this brand of fanaticism, and under the visionary leadership of Prime Minister Tony Blair, Britain stood with America in our time of need. Now, in Britain's time of need, we stand with our brothers and sisters across the Atlantic. Our bond, always strong, is even firmer.

I believe I can speak for many Americans when I say that I felt the attack in London as if it were an attack on the United States; the hurt of our British friends is like that of our own countrymen. The relationship between American and the United Kingdom is unlike any other, and the world is better off for it. At this tragic time, all people in that great country must know that America is with them, as allies, as friends, as brothers and sisters. They are not alone, for they must know that they remain in our hearts, in our minds, and in our prayers, as we have experienced a similar sense of loss and pain on September 11, 2001. Together we will not allow terrorists to destroy the way of life that our two great nations have endeavored over centuries to build.

The four bombings in London have now lead many of us to take a second look at the Homeland Security appropriations bill to ensure that we are adequately securing our Nation's rail and transit systems. In addition to appropriating funds, however, we must also act on authorizing measures to promote the security of our nation's transportation system. Earlier this week, I introduced the Rail Security Act of 2005, which is nearly identical to legislation passed unanimously by the Senate last year. I hope that the bombings in Madrid and London will spur this Congress to take needed action and pass this important authorizing legislation.

I commend the chairman and subcommittee chairman, and the ranking members, on their efforts to produce a funding measure that best meets our Nation's security objectives. For the third consecutive year, the committee has reported out a Homeland Security bill with minimal earmarks. As evidenced by the recent bombings in London, this bill is too important to the security of the American people to be bogged down with unreasonable earmarks and no essential policy changes and directives.

The Department of Homeland Security plays a crucial role in our Nation's defense, particularly during these uncertain times as our country continues to be engaged in fighting a war against terror. We must be vigilant in ensuring that the Department has the right tools to protect our Nation's air space, borders, ports of entry, and travel infrastructure. We also must ensure that our first responders are adequately funded to protect citizens in the event of a national emergency. At the same time, resources are limited and this bill recognizes that and seeks to ensure that the Department optimizes all received funds.

The Department of Homeland Security's most vital function is protecting our Nation's borders. The committee's bill does provide for an increased focus on border security efforts and I commend them for their attention to these critical funding needs. However, more remains to be done. While I strongly believe this bill needs to provide for the level of border patrol agents and detention beds as we authorized in the Intelligence Reform Act just 7 months ago, our amendments on these critical needs were unsuccessful.

Another area of concern is the committee's decision to not fund the President's request for accelerated deployment of the United States Visitor and Immigrant Status Indicator Technology, US VISIT, Program, which was a key recommendation of the 9/11 Commission. Although US VISIT has much room for improvement, funding to expedite the full implementation of the program will be essential to our ability to adequately monitor the flow of individuals into and out of our country. I hope that this issue will be carefully reconsidered as this measure continues through the legislative process.

As encouraged as I am to see additional resources directed to the border, enforcement alone will never fully secure our border. Over the last 12 years, the Federal Government has tripled spending on technology and infrastructure to secure the border and tripled the number of border patrol personnel. Yet during that same time, illegal immigration is estimated to have doubled. The lesson here is important: as long as there is a need for workers in this country that goes unmet by the domestic workforce, and as long as there are workers in other countries willing to risk their lives for the opportunity to take those jobs, they will find a way in.

The simple fact is this: our Nation's borders are extremely porous. For the last several years the volatile conditions at our Nation's southwestern border have grown unsustainable. The cost of our broken immigration system is increasingly borne by local communities and State governments through uncompensated health care, unreimbursed law enforcement costs, environmental degradation, and an increased sense of lawlessness. As these conditions have worsened, several Members of this body, including myself, have put forth proposals to reform our Nation's immigration laws and improve security along the border and in the interior. Immigration reform is one of the most critical issues facing our Nation today, and I hope the Senate will soon turn to this issue. Funding for additional manpower and technology improvements must continue, but our borders will never be fully secure without comprehensive immigration reform.

I support provisions in the bill and accompanying report which encourage the Department, specifically the Transportation Security Administration, TSA, and ICE, to invest in improved technology. The report finds that the Department, ''should not be operating on stovepipped, disconnected, inherited information technology systems,'' but rather the Department should be equipped with the best technology systems available in order to reduce reliance on personnel and improve security. In particular, I am encouraged to

see funding for the deployment of new equipment and technology to the border, including to Arizona, which in recent years has become a leading gateway for illegal immigration.

Additionally, I am pleased that the Appropriations Committee has encouraged the TSA to consistently implement a risk management approach to decisionmaking to prioritize security improvements as recommended by the General Accountability Office earlier this year. The GAO report stated that ''TSA has not consistently implemented a risk management approach or conducted the systematic analysis needed to inform its decision-making processes and to prioritize security improvements . . . a risk management approach can help inform decision makers in allocating finite resources to the areas of greatest need.''

Although I find a great deal to support in this bill, I would be remiss if I did not point out the serious unrequested spending and the few earmarks contained in this bill and the report. There is over $2 billion in unauthorized and unrequested spending in the bill and the report. Examples include: $47 million above the President's request for the acquisition and maintenance of facilities for the Federal law enforcement and training centers; $68 million for two maritime patrol aircraft under the Coast Guard's integrated deepwater system; $65 million to fund the Adequate Fire and Emergency Response Act; and $59 million for critical infrastructure outreach and partnerships. Since such spending was not requested or isn't authorized, I have no way of knowing if such expenditures are needed. Needless expenditures are unacceptable, particularly while our country is running a deficit of $368 billion this year and a 10-year projected deficit of $1.35 trillion, according to the Congressional Budget Office. When are we going to tighten the belt? While I concede that it is very difficult to reduce spending while attempting to protect the Nation's homeland, I can only hope that Congress's belt tightens elsewhere.

Examples of earmarks and directive language include: language limiting overtime pay to $35,000 for Customs and Border Patrol and Immigration and Customs Enforcement employees, $55 million for the completion of the Tucson tactical infrastructure around the border and $15 million for the Coast Guard's bridge alteration program. Although many of these are important programs and worthy of funding, they were not specifically authorized by Congress and not requested by the President, and they should be.

Lastly, I am also disappointed that the bill once again this year contains a Departmentwide ''Buy America'' requirement, and specific language directing the Secret Service to purchase American-made motorcycles. I firmly object to all ''Buy America'' restrictions, as they represent gross examples of protectionist trade policy. From a philosophical point of view, I oppose such policies because free trade is an important element in improving relations among all nations, which then improves the security of our Nation. Furthermore, as a fiscal conservative, I want to ensure our Government gets the best deal for taxpayers and with a ''Buy American'' restriction that cannot be guaranteed. Such provisions cost the Department of Defense over $5.5 billion each year and I am fearful that we will see the same unnecessary expense arise at the Department of Homeland Security, a new agency.

Once again, I thank the appropriators for their diligence in passing a relatively clean Homeland Security appropriations bill devoid of numerous earmarks. While much work remains to be done to secure our homeland, including comprehensive immigration reform and further action on 9/11 Commission recommendations, specifically more spectrum for first responders, we can take another important step by passing this legislation and providing the Department with adequate resources to protect our Nation's air space, borders, ports of entry, and travel infrastructure.

AMENDMENT NO. 1161

Mr. KENNEDY. Mr. President, last evening, an amendment proposed by Senator REID, which calls on the Secretary of Defense to stop delaying the report required to be submitted to Congress on the progress being made to train the Iraqi security forces, was approved unanimously by the Senate. I was pleased to cosponsor the amendment, along with Senators DURBIN and BIDEN.

The report was required in the recent Iraq Supplemental Appropriations Act, Public Law 109–13, which became law on May 11. The first report was to have been provided by July 11. Additional reports are due every 90 days after that until the end of fiscal year 2006.

This is not a bureaucratic dispute. The information requested in the report goes to the heart of our ability to succeed in Iraq. It is vital to identifying when the Iraqi forces will be able to assume responsibility for security. It is essential to estimating of the level of U.S.troops that will be necessary in Iraq in the future.

Twice in the last month, President Bush has assured us that training Iraqi security forces is central to our strategy for success.

On June 28, President Bush said:

> Our strategy can be summed up this way: As the Iraqis stand up, we will stand down.

On July 11, President Bush again said:

> Our plan can be summed up this way: As the Iraqis stand up, we will stand down.

Unfortunately, the administration has not been willing to give the American people a straight answer about the number of Iraqi security forces, who are adequately trained and equipped. We are obviously making some progress, but it is far from clear how much. The American people deserve an honest assessment that provides the basic facts.

But that is not what we are being given. According to a GAO report in March, ''U.S. government agencies do not report reliable data on the extent to which Iraqi security forces are trained and equipped.''

The report goes on to say:

> The Departments of State and Defense no longer report on the extent to which Iraqi security forces are equipped with their required weapons, vehicles, communications, equipment, and body armor.

It is clear from the administration's own statements that they are using the notorious ''fuzzy math'' tactic to avoid an honest appraisal.

In February 2004, Secretary Rumsfeld said:

> We have accelerated the training of Iraqi security forces, now more than 200,000 strong.

In January 2005, Secretary of State Condoleezza Rice said:

> We think the number right now is somewhere over 120,000.

Yet, on February 3, 2005, in response to questions from Senator LEVIN at a Senate Armed Services Committee GEJJ Hearing, GEN Richard Myers, Chairman of the Joint Chiefs of Staff, conceded that only 40,000 Iraqi security forces are actually capable. He said:

> Forty-eight deployable (battalions) around the country, equals about 40,000, which is the number that can go anywhere and do anything.

Obviously, we need a better accounting of how much progress is being made to train and equip effective and capable Iraqi security forces.

The American people want to know. Our men and women in uniform want to know.

Congress has been seeking information on this issue for a long time.

Section 1204 of last year's Defense Authorization Act, Public Law 108–375, required the President to submit an unclassified report on a stabilization strategy for Iraq and an effective plan to train the Iraqi security forces. The report was due 120 days after enactment. The law was enacted on October 28, 2004, and the report should have been provided by the end of February.

We have still not received it from the White House. The administration has been AWOL on the report.

Given the high priority the President has placed on the training of Iraqi security forces, it is unconscionable that the administration has failed to give the American people a straight answer about how many Iraqi security forces are adequately trained and equipped and able to defend Iraq's security on their own. It is time to put facts behind our policy.

President Bush has not leveled with our troops and the American people and offered an effective strategy for success.

He has spoken about the importance of training Iraqi security forces, but he has failed to outline a clear strategy to

achieve their training and improve their capability.

The American people and our soldiers deserve to know what progress is being made in training Iraqis to protect their own security.

We all hope for the best in Iraq. We all want democracy to take root firmly and irrevocably. We need to train the Iraqis for the stability of Iraq. But we also need to train them because our current level of deployment is not sustainable. Our military has been stretched to the breaking point. Threats in other parts of the world are ever present. Our men and women in uniform and the American people deserve this report, because they deserve to know when the President has a strategy for success.

The President says our troops in Iraq will stand down as Iraqi security forces stand up, but the administration has failed to provide a realistic assessment of the progress being made in training the Iraqi forces.

The American people deserve to know when the Iraqis will be able to take over responsibility for their own security, and what impact it will have on our military presence in Iraq.

It is time for the stonewalling to end and for accountability to begin.

Mr. LIEBERMAN. Mr. President, I rise to discuss the pending appropriations bill for the Department of Homeland Security and my grave concern that it does not provide the tools we need to meet the threat of terrorism. This is not to criticize the appropriators who, as always, have done a thoughtful job in sorting through the many competing needs of the Department. But I feel strongly that neither the President nor the congressional leadership was willing to allocate sufficient funds for homeland security at the outset of this process and that, as a consequence, this bill comes up short on too many critical homeland programs.

I speak with a sense of caution in the wake of last week's terrorist attacks on London. I agree with Secretary Chertoff's statement that we can't base our national homeland defense policies on a single attack especially since the specifics of the London attack are not known.

Yet experts in and out of government keep warning us that nearly 4 years after 9/11 we are still vulnerable and will remain vulnerable unless we begin to seriously and strategically start investing in our own security.

CIA Director Porter Goss this year told the Senate Intelligence Committee that ''it may only be a matter of time'' before terrorists try to attack the United States with weapons of mass destruction.

At the same hearing, FBI Director Robert Mueller also warned of possible terrorist operations within the United States, and called finding such terrorists ''one of the most difficult challenges'' his organization faces.

Experts have identified billions of dollars in urgent homeland security needs, ranging from communications equipment for first responders, to transportation security, to securing our borders.

Yet this year, the President proposed only modest increases for the Department of Homeland Security. And even those proposed increases were illusory based on a controversial proposed airline ticket fee that congressional budget leaders and appropriators have rejected.

In letters to the Appropriations and Budget Committees earlier this year, I identified about $8.4 billion in critical homeland security needs above and beyond the President's proposed budget, with more than $6 billion of that for programs within the Department of Homeland Security. Yet the House and Senate Appropriations Committees have both approved bills that actually provide even less for DHS programs than the President proposed.

It may be tempting to think we do not need to make these investments because we have already increased spending on homeland security since 9/11, and because we face difficult budget constraints. But when we focus on the new threat confronting us, it becomes clear that these investments are an urgent necessity.

Let me highlight some of the most serious shortfalls, starting with transportation and mass transit.

We know from last week's attack on London and last year's attacks in Moscow and Madrid that transit and rail systems are appealing targets for terrorists. And we also know we have far to go in making this country's transit and rail systems as secure as they should be. Experts have identified billions in unmet security needs for this array of critical assets.

For mass transit alone, the American Public Transportation Association has identified more than $6 billion in security needs, and a committee-approved Senate bill last Congress would have authorized $5.2 billion for transit security over 3 years.

These funds are needed to conduct security assessments, install sensors and other surveillance equipment, and train transit employees to cope with a terror attack.

In the area of rail security, the Senate last session passed legislation authorizing $1.2 billion in Federal spending over 4 years, nearly half of it in the first year, for measures such as upgrading aging rail tunnels and other security measures, and increased R&D to reduce the vulnerability of passenger and freight trains.

Unfortunately, the administration has shown little interest in funding rail or transit security measures and our systems remain dangerously exposed.

Last year, Congress provided $150 million for rail and transit grants—and only because lawmakers pushed for this dedicated funding. This year, the President proposed no dedicated funding for rail and transit—just an unspecified share of an overall infrastructure protection grant fund—and the Senate Appropriations bill proposes only $100 million. We simply cannot make the progress we need at this rate. Rather, a dramatic new infusion is needed to harden these potential targets for terrorist mayhem.

But mass transit and transportation security is just one example of the critical security needs that not receiving the investments they need to make the American homeland more secure.

Under this legislation, terrorism preparedness funding for first responders would drop for the second straight year.

In June 2003, a nonpartisan, independent task force sponsored by the Council on Foreign Relations and chaired by our former colleague Senator Warren Rudman, issued a report entitled ''Emergency Responders: Drastically Underfunded, Dangerously Unprepared.''

The report listed a number of urgent needs left unmet due to a lack of funding—including obtaining interoperable communications equipment, enhancing urban search and rescue capabilities, and providing protective gear and weapons of mass destruction remediation.

The task force concluded that, at then-current funding levels, our Nation, over the course of 5 years, would fall nearly $100 billion short of meeting the needs of our first responders.

Incredibly, though, the administration's response to this sobering analysis has been to cut funding for first responders—2 years running.

Even taking into account proposed increases in two grant programs, the administration's proposed budget would slash overall DHS grants to first responders by $565 million.

To my dismay, the Senate's DHS funding bill goes even further and cuts $587 million below last year's appropriation. This marks the second year these programs have been decreased, following a massive 32-percent reduction in the core homeland security grant programs in fiscal year 2005.

None of these proposed cuts make sense given our pressing homeland security needs and the Senate voted 63 to 37 on a bipartisan basis for a Collins-Lieberman amendment to the budget resolution to restore the administration's proposed cuts to first responder programs at DHS.

Unfortunately, that consensus was not reflected in the final budget resolution, nor in the pending appropriations bill does not reflect that consensus.

To hold these programs at current levels is the very least we can and should do.

In truth, we need significantly more funds to dramatically improve our abilities to prevent and respond to possible terror attacks. We especially need an infusion of new funds to help State and local communities develop interoperable communications systems that will allow officials and first responders to speak to one another during a crisis.

Senator COLLINS and I have introduced legislation that would provide dedicated funding for interoperability, strengthen Federal leadership on this issue, fortify outreach and technical assistance to state and local first responders, promote greater regional cooperation and ensure research and development to achieve interoperability for first responders. The legislation would authorize $3.3 billion over 5 years for short and long-term interoperability initiatives.

Another key concern is critical infrastructure protection.

Damage to one or more key ports could wreak economic havoc, while the tens of thousands of containers streaming through those ports could also serve as conduits for a weapon of mass destruction.

We have made important first steps toward securing our ports—including through the Marine Transportation Security Act—but we know that much more remains to be done.

We must also devote more resources and attention to safeguarding critical infrastructure sites such as chemical plants. As security expert Stephen Flynn testified before the Homeland Security and Governmental Affairs Committee earlier this year, ''the [A]dministration must acknowledge that its assumption that the private sector would invest in meaningful security for the 85 percent of the nation's critical infrastructure that it owns—and upon which our way of life and quality of life depends—has not been borne out.''

Even in the area of aviation security, where the government has invested significant resources since 9/11, pressing needs remain.

Many have pointed out the glaring weakness regarding air cargo. Passengers may be subject to exhaustive searches of their luggage and persons, yet air cargo loaded into the belly of the very same plane may undergo little or no scrutiny.

Following a 9/11 Commission recommendation that steps be taken to improve air cargo security, the Intelligence Reform and Terrorism Prevention Act included several provisions to enhance and augment existing programs. It authorized $2 million for the development of a pilot program to develop blast resistant cargo containers, which could be used on passenger planes to provide an additional layer of security. The bill also authorized an additional $300 million for fiscal year 2006 for ongoing air cargo security programs and additional air cargo research and development programs.

Yet the President's budget request only included $40 million for air cargo security, and the Senate bill raises this amount just $10 million. Where is the sense of urgency this problem deserves?

We also must move more quickly to install efficient and effective systems to screen passenger bags. I am concerned that the Senate bill holds funding for the installation of in-line explosives detection equipment at this year's level of about $400 million when it is estimated that more than $5 billion is needed to install the explosives detection equipment at approximately 60 major airports. The Intelligence Reform and Terrorism Prevention Act authorized an additional money for this program, and according to investing in the up-front costs associated with installing this equipment could not only boost security but also provide significant savings to DHS in labor costs.

We are also shortchanging the U.S. Coast Guard and its leadership role in homeland defense. Since 9/11, the Coast Guard has been asked to dramatically increase these security functions even as it continues to perform critical nonsecurity roles in areas such as search and rescue and fisheries enforcement.

Unfortunately, resources have not kept pace with the extraordinary demands being placed upon this service. I am particularly concerned about the deepwater program to modernize the Coast Guard's aged and fast deteriorating fleet—which includes cutters commissioned during World War II and aircraft as much as 30 years old.

Although the Senate bill does provide a modest increase for the deepwater program, it is less than the President's budget and will not speed up the modernization program. Indeed, the Coast Guard has estimated that $240 million—virtually the entire proposed increase for the program—will be needed in fiscal year 2006 just to maintain its legacy assets. At the current rate, it will take more than 20 years to finish the fleet and systems overhaul—hardly the pace associated with true ''modernization.''

Accelerating the deepwater project is not only good for our security, it makes good financial sense. Last year, a RAND report concluded that accelerating the deepwater program to 10 years would provide the Coast Guard with almost one million additional mission hours which could be used for homeland security, saving the Federal Government approximately $4 billion in the long term.

This is hardly an exhaustive list of the unmet homeland security needs, but it should serve to illustrate that we are not doing all that we could or should to meet the homeland threat.

At a January 26, 2005 hearing before the Homeland Security and Governmental Affairs Committee, homeland security expert Flynn stated: ''Any honest appraisal of the department as it approaches its 2nd anniversary would acknowledge that while there have been significant accomplishments in some areas, we are a very long ways from where we need to be.'' Flynn describes our predicament well in his recent book, America the Vulnerable:

''Homeland security has entered our post-9/11 lexicon, but homeland insecurity remains the abiding reality. With the exception of airports, much of what is critical to our way of life remains unprotected . . . From water and food supplies, refineries, energy grids and pipelines; bridges, tunnels, trains, trucks and cargo containers; to the cyber backbone that underpins the information age in which we live, the measures we have been cobbling together are hardly fit to deter amateur thieves, vandals and hackers, never mind determined terrorists. Worse still, small improvements are often oversold as giant steps forward, lowering the guard of average citizens as they carry on their daily routine with an unwarranted sense of confidence.''

Flynn also rightly points out that homeland security spending is still minuscule in comparison to the overall Pentagon budget, revealing the extent to which our government continues to perceive that the country's primary threats will be found only outside our borders. We must remember how exposed we rightly felt on September 11, 2001, and listen to the security experts who tell us that this threat is one we must live with—and prepare for—for the indefinite future.

I hope we can step back and take stock of what we are doing with respect to homeland security. Experts have warned that, in the absence of new attacks, there is a danger of complacency.

I fear we are losing the urgency and determination we shared immediately after the 9/11 attacks, to do whatever we could to thwart another such assault. The threat is still there—and so must be our commitment to meet it.

Mr. LEVIN. Mr. President, I will support final passage of the Homeland Security appropriations bill today not only because it provides funding for many programs that I support, but also because it contains many provisions that I worked to have included.

I am pleased that the Senate overwhelmingly supported, by a vote of 71 to 26, an amendment that I cosponsored with Senators COLLINS and LIEBERMAN that provides a fairer approach to allocating homeland security grants than was provided in the current law and which the underlying bill would have continued. For the past 3 years, the State homeland security grant program has distributed funds using a funding formula that arbitrarily sets aside a large portion of the funds to be divided equally among the States, regardless of size or need. This ''small state formula'' severely disadvantages states with high populations. Many Federal grant programs provide a minimum State funding level. But the state minimum formula used to allocate state homeland security funds is unusually high as was the base funding level in the underlying homeland security appropriations bill prior to the adoption of our amendment—.75 percent.

This amendment would reduce that guarantee to .55 percent of the total amount appropriated for the threat-based homeland security grant program and added an option for the larger States of selecting a minimum

amount based on a State's relative population and population density. This option for the States will provide additional guaranteed funds to the largest and most densely populated States, which also are probably the most at risk of an attack. For instance, Michigan would receive $17.55 million in guaranteed funding under the Collins/Lieberman amendment, but only $10.86 million in guaranteed funding in the underlying appropriations bill.

I was pleased to be the author of this option, which was added in the Homeland Security and Governmental Affairs Committee. The remainder of the total funds, approximately 60 percent, would go to the States and regions based purely on risk and threat assessment by the Department of Homeland Security using factors set forth in the amendment, with up to half of the remaining funds to be allocated by the Department to metropolitan areas through the Urban Area Security Initiative. The amendment also provides guidance on the factors to be considered in allocating risk-based funding. For example, in prioritizing among State applications for risk-based funds, the Secretary of Homeland Security will now consider whether the State is on an international border. The underlying appropriations bill, on the other hand, would have left all funds above the state base to be allocated without guidance, at the discretion of the Secretary of Homeland Security.

This legislation also includes language that I offered that will assist our first responders by creating demonstration projects at our northern and southern borders. The amendment provides that the Secretary of Homeland Security shall establish at least six international border community interoperable communications demonstration Projects—no fewer than three of these demonstration projects shall be on the northern border, and no fewer than three of these demonstration projects shall be on the southern border. These interoperable communications demonstrations will address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers at our borders because of the location at those borders where there is such a great threat of terrorists entering.

Finally, the bill contains language I proposed that requires the Secretary of Homeland Security to deny entry of any commercial motor vehicle carrying municipal solid waste from Canada until the Secretary certifies that the methods and technology used to inspect the vehicles for potential weapons of mass destruction as well as biological, chemical and nuclear materials are as efficient as the methods and technology used to inspect other commercial vehicles.

I do not think that the funding levels provided in this bill go far enough to strengthen the programs that fund our domestic preparedness and response capabilities, protect our borders and ports and improve our transportation security. We cannot expect our first responders to be well-trained, properly equipped, and fully staffed to protect us if we cut their funding sources. I am hopeful that funding levels will be increased in conference.

Mr. GREGG. Mr. President, as chairman of the Budget Committee, I regularly comment on appropriations bills that are brought to this Senate for consideration and present the financial comparisons and budgetary data. In this instance, I am in the unique position of commenting on my own bill, as I also serve as chairman of the Homeland Security Appropriations Subcommittee. So it will not surprise my colleagues that I note this is a very good bill and that it is in compliance with the 2006 Budget Resolution.

The pending Department of Homeland Security appropriations bill for fiscal year 2006, H.R. 2360, as reported by the Senate Committee on Appropriations, provides $31.777 billion in budget authority and $33.899 billion in outlays in fiscal year 2006 for the Department of Homeland Security and related agencies. Of these totals, $931 million in budget authority and $924 million in outlays are for mandatory programs in fiscal year 2006.

The bill provides total discretionary budget authority in fiscal year 2006 of $30.846 billion. This amount is $1.285 billion more than the President's request, and is equal to the 302(b) allocation adopted by the Senate, and identical to the level in the House-passed bill. The 2006 budget authority provided in this bill is $1.09 billion less than the fiscal year 2005 enacted level because the 2005 level included a one-time $2.528 billion appropriation for bioshield. After adjusting for bioshield this bill is $1.438 billion above the 2005 enacted level.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be inserted in the RECORD.

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

H.R. 2360, 2006 HOMELAND SECURITY APPROPRIATIONS: SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2006, $ millions]

	General Purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	30,846	931	31,777
Outlays	32,975	924	33,899
Senate 302(b) allocation:			
Budget authority	30,846	931	31,777
Outlays	33,233	924	34,157
2005 Enacted:			
Budget authority	[1] 31,936	1,085	33,021
Outlays	29,821	892	30,713
President's request:			
Budget authority	29,561	931	30,492
Outlays	29,404	924	30,328
House-passed bill:			
Budget authority	30,846	931	31,777
Outlays	33,158	924	34,082
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	−258	0	−258
2005 Enacted:			
Budget authority	−1,090	−154	−1,244
Outlays	3,154	32	3,186
President's request:			
Budget authority	1,285	0	1,285
Outlays	3,571	0	3,571
House-passed bill:			
Budget authority	0	0	0
Outlays	−183	0	−183

[1] Includes $2.528 billion advance appropriation for Bioshield.

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. President, I thank my staff. They have done an incredible job, Rebecca Davis. And I also thank Senator BYRD's staff, Charles Kieffer. I appreciate the courtesy of the membership in moving this bill along. It is good to get it done.

At this time, I ask unanimous consent that the bill be read a third time, the Senate then proceed to a vote on passage of H.R. 1260, as amended. I further ask unanimous consent that following passage the Senate insist on its amendments, request a conference with the House and the chair be authorized to appoint conferees on the part of the Senate.

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

The question is on engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, we are going to start the last vote in a few minutes. The managers faced a few roadblocks this afternoon, but we are going to complete this bill. This will be the last vote of the evening. Tomorrow we are going to begin foreign ops. The two managers will be here for opening statements. We will be voting on Monday, and I anticipate that vote would be in relation to an amendment on the foreign ops bill.

I thank all Senators for the progress during the course of the week; foreign ops tomorrow.

Mr. GREGG. Mr. President, before we proceed to the vote, I do want to once again express my deep appreciation and thanks to the senior Senator in the Senate, the Senator from West Virginia, who has been exceptionally helpful as the ranking member of this committee and we could not have gotten this far without his help.

The PRESIDING OFFICER. The question is on passage of the bill, as amended. The yeas and nays have been ordered. The clerk will please call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), and the Senator from Mississippi (Mr. LOTT).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The PRESIDING OFFICER. Are there any Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—96

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

NAYS—1

Coburn

NOT VOTING—3

DeMint	Lott	Mikulski

The bill (H.R. 2360), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

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

The PRESIDING OFFICER. The clerk will please call the roll.

The 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.

APPOINTMENT OF CONFEREES—H.R. 2360

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House, and the Chair appoints the following conferees: Mr. GREGG, Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. SHELBY, Mr. CRAIG, Mr. BENNETT, Mr. ALLARD, Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. REID of Nevada, and Mrs. FEINSTEIN.

UNANIMOUS CONSENT AGREEMENT—H.R. 3057

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 10 a.m. on Friday, tomorrow, July 15, the Senate proceed to the immediate consideration of Calendar No. 150, H.R. 3057. I further ask that the committee-reported substitute be agreed to and considered as original text for the purposes of further amendment, and that no points of order be waived by virtue of this agreement.

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

MORNING BUSINESS

Mr. MCCONNELL. 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.

THE SUPREME COURT

Mr. CORNYN. Mr. President, I yield myself 15 minutes out of the majority time, the manager's time, to address a different subject, but one that is timely given some developments earlier today.

On July 3, the Washington Post reported that Democrats signaled that whoever the nominee to the U.S. Supreme Court is, their three likely lines of attack will be to assert that the White House did not consult sufficiently, to paint the nominee as ideologically extreme, and to finally assert that the Senate has not received sufficient documents about the candidate.

I will address the second prong of this three-prong attack. That has to do with ideology and the personal views of the nominee, or perhaps asking the nominee to predict how they would likely rule on an issue were it to come before the U.S. Supreme Court.

Over the past few days, some Members on the other side of the aisle have stated their intention to ask whomever the President nominates to the Supreme Court a series of questions on where that nominee stands on controversial political issues. For example, yesterday the senior Senator from Massachusetts said he wants to know whether the nominee supports laws related to the environment, civil rights, and abortion. The senior Senator from New York today said he wants to know what the nominee thinks about any one of a number of things, including the appropriate role of religion in government and how to balance environmental interests against energy interests. Indeed, the senior Senator from New York has said that ''every question is a legitimate question, period.'' These questions must be answered, they say, because they have a right to know what the nominee's so-called ''judicial philosophy'' is.

Let me be clear. Any one of the 100 Senators who has been elected and who serves in this Senate has a right under the First Amendment, if nowhere else, to ask any question they want. However, these statements of the last few days indicating the scope of questions that some Senators intend to ask represents something of a change of heart.

During Justice O'Connor's confirmation hearing, for example, the Senator from Massachusetts declared:

> . . . [i]t is offensive to suggest that a potential Justice of the Supreme Court must pass some presumed test of judicial philosophy. It is even more offensive to suggest that a potential Justice must pass the litmus test of any single-interest group.

The Senator's colleagues have always agreed with him on that. And I agree with the position he took at that time, but not with the position he is taking more recently.

Also during Justice O'Connor's confirmation hearing, the senior Senator from Delaware noted:

> [w]e are not attempting to determine whether or not the nominee agrees with all of us on each and every pressing social or legal issue of the day. Indeed, if that were the test, no one would ever pass by this committee, much less the full Senate.

Similarly, the senior Senator from Vermont declared during the same hearing that:

> Republican or Democrat, a conservative or a liberal. That's not the issue. The issue is one of competence and whether she has a sense of fairness.

The question is, Why the change of heart? I submit that one potential answer is because it has been a long time since the Senate has considered a Supreme Court nominee and perhaps some need to be reminded what the role of a judge in a democracy is.

As a former judge myself, let me share a few observations with my colleagues. Put simply, judges are not politicians. Judges do not vote on cases like politicians vote on legislation. Judges do not vote for or against environmental laws because their constituents demand it or because their consciences tell them to. They are supposed to rule on cases only in accordance with the law as written by the people's representatives. If a judge disagrees with the law as written, then he or she is not supposed to substitute his or her views for the people's views. Any other approach is simply inconsistent with democratic theory, with government by the people, and with respect for the rule of law.

It is worth noting that this has not always been the case. The judicial system in England during and before the American Revolution was one where judges made the law. This is called our common law system or common law heritage. Judges made up the law as they went along, trying to divine the best rules to govern the interaction between citizens. This was a heady power, the common law-making power, to decide what policies best serve mankind.

This is not, however, the judicial system created by our Founding Fathers

or by the Federal Constitution to govern the Federal courts, including the U.S. Supreme Court.

The Founding Fathers did not believe it was consistent with democracy to allow unelected judges to make laws that govern the people. We know this for three reasons. First, we know this because the Constitution says so. The Constitution quite clearly at the very outset says ''all legislative powers''—the power to make the law—''shall be vested in [the] Congress.'' This means no power to make law is vested in our courts, even in the U.S. Supreme Court.

Second, we know this because the Framers told us explicitly this is what they had envisioned. In Federalist Paper No. 47, for example, James Madison noted:

> [W]ere the power of judging joined with the legislative, the life and liberty of the [people] would be exposed to arbitrary control, for the judge would then be the legislator.

Finally, we know this because the Supreme Court has also told us so. In 1938, in the famous case of Erie v. Tompkins, the Supreme Court declared in no uncertain terms that ''[t]here is no federal general common law.''

Judges in our Federal system do not make law, or I should say are not supposed to make law. The laws are made for them and indeed for the entire Nation by the people's representatives in the form of statutes enacted by the Congress and in the form of the Constitution that we the people have ratified to govern our affairs. These are legal texts and they are supposed to tie the hands of judges in our system. Judges in our system are not supposed to make up the law as they go along. They are simply supposed to apply the laws made by the people to the facts at hand.

If the law is to change, it is because the people are the ones who are supposed to change it, not because judges do. Federal judges, again, have no general common law-making power.

Once we remember the role of judges, unelected judges, in our democracy, it is clear why the questions some members of the body intend to propound to the President's nominees are so wrongheaded. So long as we satisfy ourselves that the President's nominee will do what the President has said he wants his nominee to do—which is to not make up the law but to simply implement the law as it has already been enacted by the people's representatives—there is simply no reason to demand answers from the nominee on particular cases. Indeed, the only possible reason a Member would ask these kinds of questions is to try to make political hay out of the nominee's personal views.

Special interest groups, in order to raise money from donors, are pressing members of this Senate to do just that. But I sincerely hope we can resist the temptation to turn the impending confirmation hearings into a political fundraising opportunity. After all, a precedent for the right way to do things exists in the confirmation of Justice Ruth Bader Ginsburg in 1993.

Prior to her service on the Federal bench, Justice Ginsburg, a distinguished jurist and liberal favorite, served as the general counsel for the American Civil Liberties Union, an organization that has championed the abolition of traditional marriage laws and challenged the validity of the Pledge of Allegiance for invoking the phrase ''One nation under God.''

Before becoming a judge, Justice Ginsburg expressed her belief that traditional marriage laws are unconstitutional and that prostitution should be a constitutional right. She had also written that the Boy Scouts and Girl Scouts are discriminatory institutions and the courts must allow the use of taxpayer funds to pay for abortions—hardly views the American people would consider mainstream.

Yet Senate Republicans and Senate Democrats alike did not try to exploit her personal views; rather, they overwhelmingly approved her nomination.

There are other reasons why it is inappropriate to demand answers to questions about particular political issues. The Founding Fathers wanted our judges to be independent from the political branches. It threatens the independence of the judiciary to parade nominees in front of this body and then to ask them to state their views on whether, for example, this body has the constitutional power to enact certain environmental and civil rights laws.

How a nominee can remain independent if his or her confirmation is conditional on whether he or she pledges to uphold legislation from this body is beyond me. A nominee could not remain independent having made such a pledge, so they should not make that pledge nor, I submit, should they be asked to make that pledge.

In addition, judges in our system are supposed to be impartial. That is why Lady Justice has always been blindfolded. It undermines a nominee's ability to remain impartial once he or she becomes a judge if he or she has already taken positions on issues that might come before him or her on the bench. For example, if we force nominees to pledge to uphold certain environmental or civil rights laws enacted by this body in order to win confirmation, how is a litigant, challenging one of those laws in court, supposed to feel when the nominee sits to hear that case? The litigant would certainly not feel as though he or she is receiving equal and open-minded justice, I can promise you that.

It is for this reason the American Bar Association has promulgated a canon of judicial ethics that prohibits a nominee from making ''pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office.'' It is also why, as Justice Ginsburg has recently noted in an opinion she wrote, that, although ''how a prospective nominee for the bench would resolve particular contentious issues would certainly be of interest to the . . . Senate in the exercise of [its] confirmation power[,] . . . in accord with a longstanding norm, every member of [the Supreme] Court declined to furnish such information to the Senate.'' In other words, just because some Members may ask these questions does not mean the President's nominee should answer them. In accordance with long tradition and norms of the Senate in the confirmation process, they should not answer them.

In conclusion, Mr. President, let me say that I hope Members reconsider their intention to condition the confirmation of the President's nominees on their adherence to a particular political platform. Judges are not politicians, and we do a disservice to the judicial branch and its role in our democracy by trying to treat them as such.

Mr. President, I reserve the remainder of our time and yield the floor.

HONORING OUR ARMED FORCES

NAVY SEAL SHANE PATTON

Mr. REID. Mr. President, Boulder City, NV, lies 25 miles east of Las Vegas, near Lake Mead. The city was constructed in 1931 to serve as a home for the workers who built Hoover Dam. It has seen limited growth over the last 70 years and has never lost its smalltown feel.

Every summer, Boulder City holds a Fourth of July celebration. Like most communities, it has fireworks, parades, and barbeques. But what separates Boulder City is its people. Folks who left long ago return to Boulder City on the Fourth of July to reunite with family and friends, and to remember the freedoms that make this country great.

This year, one of Boulder City's sons did not come back. Shane Patton, a lifelong resident and 2000 graduate of Boulder City High, was killed in action last month defending our freedoms in Afghanistan. He was a Navy SEAL and a hero to us all.

I did not know Shane, but I am very familiar with his grandfather Jim and his great-uncle Charlie. We were high school rivals some 50 years ago. They played sports for Boulder City. I played for Basic High. Jim and Charlie were athletes, and we competed against each other in baseball and football.

At that time, anyone who went to Boulder City was an arch enemy of anyone who went to Basic. But eventually we mixed and had friends in common. Jim even took a roadtrip from Nevada to the Panama Canal and another to Mexico with my friend Don Wilson in the 1970s.

Shane's grandfather has a sense of adventure and a commitment to country. It rubbed off on Shane's dad J.J., who was a SEAL, and eventually on Shane, who followed in his father's footsteps by joining the Navy and becoming one of our country's elite SEALs.

Being a Navy SEAL is one of the most physically and mentally difficult jobs in the world. The SEALs' training is legendary for its toughness. Their missions are dangerous and secret. They work in small teams, on the frontlines of war. Only the best of the best can serve as Seals, and Shane Patton did it with honor and distinction.

In Afghanistan, Shane died during a combat mission. He was buried last Saturday at the Southern Nevada Veterans Cemetery in Boulder City. He now rests among other Nevada heroes—brave men and women who dedicated part of their lives to protecting and preserving the freedoms we hold dear. I attended Shane's funeral and extended the appreciation of a grateful Nation.

A year from now Boulder City will again celebrate the Fourth of July. As is tradition, people from all over will journey back to the city they used to call home. Shane Patton will not be there. But he will live on in the hearts and minds of everyone in Boulder City and in everyone who pauses to remember the freedoms we enjoy.

Shane's life's work was keeping us safe. His service was his gift to us all. And his sacrifice will never be forgotten.

LANCE CORPORAL THOMAS WILLIAM FRITSCH

Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to LCpl Thomas William Fritsch, U.S. Marines, of Cromwell, CT. Lance Corporal Fritsch lived as a true patriot and defender of our great Nation's principles of freedom and justice.

While serving during the Vietnam War, a group of marines from Battery D, including Lance Corporal Fritsch, was assigned to search for Sergeant Miller and medic Thomas Perry. The search had become necessary when it was apparent that the medic was missing during the evacuation of the base at Ngok Tavak which had come under enemy attack early on the morning of the 10th of May, 1968. It was during the course of this search when the small group was attacked by enemy fire.

Although it has been 37 years since his loss, his repatriation serves as a testament to our Nation's commitment to our Prisoners of War, those Missing in Action, and their families. I commend the Department of Defense Prisoner of War and Missing Personnel Office for their remarkable and tireless efforts during their numerous investigations which have once again been successful in identifying one of our Nation's heroes. I can only imagine the range of emotions caused by the loss and years of uncertainty experienced by Lance Corporal Fritsch's family, as well as other families of our servicemen missing in action.

In addition to his family, there are many in Connecticut who still remember him fondly. As a 1966 graduate of the EC Goodwin Technical-Vocational School in New Britain, CT, he is remembered as a good friend, a good neighbor, and an active member of the community who enjoyed volunteering for the Portland Fire Department and participating in the Boy Scouts. Perhaps, Lance Corporal Fritsch will most be remembered as an aspiring chef as his former guidance counselor, Jane Rich, vividly recalls.

Lance Corporal Fritsch will soon be laid to rest at Rose Hill Cemetery in Rocky Hill. Lance Corporal Fritsch lives on through his parents, William and Mary, and his siblings, Patricia, Gloria, Bill and Steve whom I thank for his patriotic service.

Our Nation extends its heartfelt condolences to his family. We extend our appreciation for sharing this outstanding marine with us, and hope that they may find peace and closure. They may be justifiably proud of his contributions.

CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT OF 2005

Mr. HATCH. Mr. President, I rise to speak of the Controlled Substances Export Reform Act of 2005. This bill would make a minor, but long overdue, change to the Controlled Substances Act to reflect the reality of commerce in the 21st Century and to protect high-paying American jobs, while maintaining strong safeguards on exports.

Before I discuss this bill, I want to thank Senator BIDEN for working with me on this important legislation. Senator BIDEN has long been recognized as a national leader on drug-related measures, and we have a history of working together on a bipartisan basis to enact sensible reforms in this area, as evidenced by the recent enactment of our steroid precursor bill. I respect his thoughtful collaboration, and I thank him for his work on this proposal.

I would also like to thank Chairman SPECTER for his critical work on this legislation. We would not be able to move this important bill without his efforts. Furthermore, I would like to thank the majority leader for moving this legislation during the last Congress. We were able to pass the measure last fall, and I hope that we may do so again in the near future.

This Hatch-Biden bill has been my priority for a number of years. The need for this legislation was first brought to my attention by a number of Utah companies, who had experienced significant difficulties in exporting their pharmaceutical products.

Under current law, there are two differing regulatory schemes governing export of U.S.-manufactured pharmaceutical products. One system, adopted by the Congress 10 years ago, governs products regulated under the Federal Food, Drug and Cosmetic Act. The other, which we are today proposing to harmonize with the food and drug law, governs pharmaceuticals with abuse potential regulated under the Controlled Substances Act. In sum, our proposed legislation amends the Controlled Substances Act to allow greater opportunities for U.S. manufacturers to send their products abroad, still retaining full Drug Enforcement Administration authority over those exports.

At present, U.S. pharmaceutical manufacturers are permitted to export most controlled substances only to the immediate country where the products will be consumed. Shipments to centralized sites for further distribution across national boundaries are prohibited, even though this same system is allowed under the Federal Food, Drug and Cosmetic Act for products which are not controlled substances. The current system for export of controlled substances should be contrasted with the freedom of pharmaceutical manufacturers throughout the rest of the world to readily move approved medical products among and between international drug control treaty countries without limitation or restriction.

The unique prohibitions imposed on domestic manufacturers disadvantage U.S. businesses by requiring smaller, more frequent and costly shipments to each country of use without any demonstrable benefit to public health or safety. By imposing significant logistical challenges and financial burdens on U.S. companies, the law creates a strong incentive for domestic pharmaceutical manufacturers to move production operations overseas, threatening high-wage American jobs.

The Controlled Substances Act of 1970 permits U.S. manufacturers of Schedule I and II substances and Schedule III and IV narcotics to export their products from U.S. manufacturing sites only to the receiving country where the drug will be used. The law prohibits export of these products if the drugs are to be distributed outside the country to which they are initially sent. The effect of this restriction is to prevent American businesses from using cost-effective, centralized foreign distribution facilities. In addition, under the current regime, unexpected cross-border demands or surges in patient needs cannot be met. Likewise, complex and time-sensitive export licensing procedures prevent the shipment of pharmaceuticals on a real time basis.

European drug manufacturers face no such constraints. They are able to freely move their exported products from one nation to another while complying with host country laws. This is entirely consistent with the scheme of regulation imposed by international drug control treaties. Only the United States imposes the additional limitation of prohibiting the further transfer of controlled substances. Thus, while a French or British company can ship its products to a central warehouse in Germany for subsequent distribution across the European Union, an American company must incur the added costs of shipping its products separately to each individual country.

S. 1395, the Controlled Substances Export Reform Act, would correct this imbalance and permit the highly-regulated transshipment of exported pharmaceuticals placing American businesses on an equal footing with the

rest of the world. Importantly, however, DEA's authority to control U.S. exports would not be diminished.

The legislation authorizes the Attorney General, or his designee, the DEA, to permit the re-export of Schedule I and II substances and Schedule III and IV narcotics to countries that are parties to the Single Convention on Narcotic Drugs and the Convention on Psychotropic Substances under tightly controlled circumstances: First, each country is required to have an established system of controls deemed adequate by the DEA. Next, only permit or license holders in those countries may receive regulated products. Third, re-exports are limited to one single cross-border transfer. Then the DEA must be satisfied by substantial evidence that the exported substance will be used to meet an actual medical, scientific or other legitimate need, and that the second country of receipt will hold or issue appropriate import licenses or permits. Fifth, in addition, the exporter must notify the DEA in writing within 30 days of a re-export. And finally, an export permit must have been issued by the DEA.

These safeguards are rigorous but fair, and represent a much-needed modernization of the law. The current restrictions on U.S. exports of controlled substances have remained essentially unchanged for more than 30 years. In that time, the global economy has changed dramatically. For those among us who express concerns about the outsourcing of American jobs and the competitiveness of U.S. companies, this modest change represents an opportunity to address such problems head-on.

The Controlled Substance Act's limitation on U.S. pharmaceutical exports imposes unique, unnecessary, and significant logistical and financial burdens on American businesses. The effect of this outdated policy is to create a strong incentive for domestic pharmaceutical companies to move production overseas, threatening American jobs and eliminating DEA jurisdiction over the manufacture and shipment of their products. The Controlled Substances Export Reform Act removes this unwarranted barrier to U.S. manufacturers' use of cost-effective distribution techniques while retaining full DEA control of U.S. exports and re-exports. Accordingly, I urge my colleagues to join Senator BIDEN and myself in support of this bill.

RULES OF THE SENATE COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee Rules approved by the Senate Committee on the Judiciary be included in the RECORD for today, July 14, 2005.

RULES OF THE SENATE COMMITTEE ON THE JUDICIARY

I. MEETINGS OF THE COMMITTEE

1. Meetings of the Committee may be called by the Chairman as he may deem necessary on three days' notice of the date, time, place and subject matter of the meeting, or in the alternative with the consent of the Ranking Minority Member, or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Unless otherwise called pursuant to (1) of this section, Committee meetings shall take place promptly at 9:30 AM each Thursday the Senate is in session.

3. At the request of any Member, or by action of the Chairman, a bill, matter, or nomination on the agenda of the Committee may be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. HEARINGS OF THE COMMITTEE

1. The Committee shall provide a public announcement of the date, time, place and subject matter of any hearing to be conducted by the Committee or any Subcommittee at least seven calendar days prior to the commencement of that hearing, unless the Chairman with the consent of the Ranking Minority Member determines that good cause exists to begin such hearing at an earlier date. Witnesses shall provide a written statement of their testimony and curriculum vitae to the Committee at least 24 hours preceding the hearing testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

2. In the event 14 calendar days' notice of a hearing has been made, any witness appearing before the Committee, including any witness representing a Government agency, must file with the Committee at least 48 hours preceding her appearance a written statement of her testimony and curriculum vitae in as many copies as the Chairman of the Committee or Subcommittee prescribes. In the event the witness fails to file a written statement in accordance with this rule, the Chairman may permit the witness to testify, or deny the witness the privilege of testifying before the Committee, or permit the witness to testify in response to questions from Senators without the benefit of giving an opening statement.

III. QUORUMS

1. One-third of the membership of the Committee, actually present, shall constitute a quorum for the purpose of discussing business. Eight members of the Committee, including at least two members of the minority, must be present to transact business. No bill, matter, or nomination shall be ordered reported from the Committee, however, unless a majority of the Committee is actually present at the time such action is taken and a majority of those present support the action taken.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

IV. BRINGING A MATTER TO A VOTE

1. The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a roll call vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. AMENDMENTS

1. Provided at least seven calendar days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least seven calendar days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 PM the day prior to the scheduled start of the meeting.

2. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

3. The time limit imposed on the filing of amendments shall apply to no more than three bills identified by the Chairman and included on the Committee's legislative agenda.

4. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

VI. PROXY VOTING

1. When a recorded vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a Member who is unable to attend the meeting may submit her vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses and may not be counted either in reporting a matter, bill, or nomination to the floor, or in preventing any of the same from being reported to the floor.

VII. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless she is a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the Chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

4. Provided all Members of the Subcommittee consent, a bill or other matter may be polled out of the Subcommittee. In order to be polled out of a Subcommittee, a majority of the Members of the Subcommittee who vote, must vote in favor of reporting the bill or matter to the Committee.

VIII. ATTENDANCE RULES

1. Official attendance at all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and Ranking Minority Member, in the case of Committee hearings, and by the Subcommittee Chairman and Ranking Minority Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005

Mr. AKAKA. Mr. President, for the past 6 years, I have worked with my colleagues in Hawaii's congressional delegation to enact legislation to extend the Federal policy of self-governance and self-determination to Native

Hawaiians. On July 12, 2005, The New York Times published an editorial piece that captures the essence of what we have been trying to do for the people of Hawaii.

Our bill, S. 147, the Native Hawaiian Government Reorganization Act of 2005, provides a process for Native Hawaiians to reorganize their governing entity for the purposes of a federally recognized government-to-government relationship with the United States. Following recognition, the bill provides for a negotiations process between the governing entity and the State and Federal governments to determine how the Native Hawaiian governing entity will exercise its governmental authority. The negotiations process is intended to represent all interested parties through the State, Federal and native governments; and provides the structure that has been missing since 1893 for Hawaii's people to address the longstanding issue resulting from the overthrow of the Kingdom of Hawaii. This bill provides the people of Hawaii with an opportunity for reconciliation and healing so that we can move forward as a State.

Opponents of the legislation have characterized its effect as divisive. The purpose of my bill, however, is to bring unity in the State by providing an inclusive process for all of us, Native Hawaiian and non-Native Hawaiian, to finally address the consequences of our painful history. Lawrence Downes, The New York Times editorial writer who authored the article, captured this in his piece. I ask unanimous consent that the article entitled, ''In Hawaii, A Chance to Heal, Long Delayed,'' be printed in today's RECORD in its entirety.

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

[From the New York Times, July 12, 2005]

IN HAWAII, A CHANCE TO HEAL, LONG DELAYED

(By Lawrence Downes)

Less than a month after 9/11, with terrorism fears threatening to put jet travel and thus the Hawaiian economy into a death spiral, tourism officials there announced an emergency marketing campaign to promote the State as a place of rest, solace and healing. Anyone who has ever stepped off a plane in Honolulu, trading the brittle staleness of the aircraft cabin for the liquid Hawaiian breeze, warm and heavy with the scent of flowers, knows exactly what they meant.

The selling of Hawaii as a land of gracious welcome works so well because it happens to be true. But for the members of one group, that has always evoked a bitter taste: native Hawaiians, the descendants of Polynesian voyagers who settled the islands in antiquity and lived there in isolation until the late 1700's. Ever since Captain Cook, the native Hawaiian story has been a litany of loss: loss of land and of a way of life, of population through sickness and disease, and of self-determination when United States marines toppled the monarchy in 1893.

Over decades, the islands emerged as a vibrant multiracial society and the proud 50th State. Hawaiian culture—language and art, religion and music—has undergone a profound rebirth since the 1970's. But underneath this modern history remains a deep sense of dispossession among native Hawaiians, who make up about 20 percent of the population.

Into the void has stepped Senator Daniel Akaka, the first native Hawaiian in Congress, who is the lead sponsor of a bill to extend federal recognition to native Hawaiians, giving them the rights of self-government as indigenous people that only American Indians and native Alaskans now enjoy. The Akaka bill has the support of Hawaii's Congressional delegation, the State Legislature and even its Republican governor, Linda Lingle. It will go before the Senate for a vote as soon as next week.

The bill would allow native Hawaiians—defined, in part, as anyone with indigenous ancestors living in the islands before the kingdom fell—to elect a governing body that would negotiate with the Federal Government over land and other natural resources and assets. There is a lot of money and property at stake, including nearly two million acres of ''ceded lands,'' once owned by the monarchy; hundreds of thousands of acres set aside long ago for Hawaiian homesteaders; and hundreds of millions of dollars in entitlement programs.

Much of what is now the responsibility of two State agencies, the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands, would become the purview of the new government.

There are many jurisdictional and procedural details to work out, but Mr. Akaka and others insist that the bill precludes radical outcomes.

There would be no cash reparations, no new entitlements, no land grabs and especially no Indian-style casinos, which are a hot topic in Hawaii, one of only two states that outlaw all gambling.

The bill's critics include those who see it as a race-based scheme to balkanize a racial paradise. On the other flank, radical Hawaiian groups say the bill undercuts their real dream: to take the 50th star off the flag and to create a government that does its negotiating with the State Department, not Interior.

Mr. Akaka argues, convincingly, that beyond the bill's practical benefits in streamlining the management of assets and the flow of money, it is a crucial step in a long, slow process of reconciliation. As he sees it, Hawaii's cultural renaissance has exposed the unhealed wound in the native psyche. He has witnessed it in young people, more radical than their elders, as they adopt a tone of uncharacteristic hostility and resentment in sovereignty marches. He has noted a wariness that is at odds with the conciliatory mood struck in 1993, when President Bill Clinton signed a resolution apologizing for the kingdom's overthrow.

Mr. Akaka says his bill offers vital encouragement to a group that makes up a disproportionate share of the islands' poor, sick, homeless and imprisoned, while steering a moderate course between extremes of agitation and apathy.

The spirit of aloha, of gentle welcome, is the direct legacy of native culture and an incalculable gift the Hawaiian people have made to everyone who has ever traveled there—wobbly-legged sailors and missionaries, dogged immigrants and sun-scorched tourists. The Akaka bill, with its first steps at long-deferred Hawaiian self-determination, seems like an obvious thing to give in return, an overdue measure of simple gratitude.

MASSACRE AT SREBRENICA

Mr. BOND. Mr. President, I rise today in support of the recently passed S. Res. 134, a resolution expressing the sense of the Senate regarding the massacre at Srebrenica in July 1995, the largest single mass execution in Europe since World War II.

In has been 10 years since the war in the Balkans has dominated international headlines. The September 11, 2001 attacks in the United States and the resulting war on terror have taken center stage and rightly dominated our foreign policy. But the 40,000 Bosnians living in the St. Louis area saw the ugly face of terrorism in Srebrenica in July 1995, when approximately 8,000 Muslim men and boys were massacred, and hundreds of women and children were tortured and raped in an area that was supposedly under the protection of the United States. Tens of thousands were evicted from their homes and forced to flee their homeland.

As a direct result of the war in Bosnia-Herzegovina, more than 40,000 Bosnian immigrants now live in the St. Louis area. In fact, it is a privilege for the City of St. Louis to be the home of more Bosnians than anywhere in the world outside Bosnia. Our Bosnian immigrants are productive, peaceful citizens who are making vital contributions to the revitalization of the city and adding ethnic diversity that enriches our community. But as they rebuild their lives, they still bear the emotional scars as victims of genocide and the evils of ethnic cleansing.

It is a solemn 10 year anniversary the world will commemorate in July. As we remember the victims of Srebrenica with this resolution, we also reiterate our support for efforts to identify victims of this massacre through DNA matching and allow families a sense of closure that comes with the opportunity to appropriately commemorate and bury their loved ones. The victims of this genocide also deserve our efforts to put international pressure on those responsible for this terrible tragedy, including Serbian political leader, Radovan Karadzic and General Ratko Mladic, and bring them to justice.

As we join with our new Bosnian immigrants to commemorate the Srebrenica massacre, it is my hope that we will commit ourselves once again to oppose the evil of ethnic cleansing and genocide.

HEARING HEALTH

Mr. JOHNSON. Mr. President, today I want to address this body in order to help raise awareness about an important health problem in our society. Hearing loss impacts the lives of 28 million men, women, and children in the United States. As baby boomers reach retirement age, that number will rapidly climb and nearly double by 2030.

The combined effects of noise, aging, disease, and heredity have made hearing impairments a reality for many Americans. Children with hearing loss may lack speech and language development skills. Seniors may find it difficult to talk with friends, listen to the

television, or hear an alarm. For all Americans, recognizing and treating hearing loss can be the difference between dependence and independence.

Across the country, awareness campaigns have identified hearing loss as a major public-health issue. Last month, Newsweek had a cover story discussing the impact of hearing loss on young Americans. Experts estimate that 21 million people could benefit from a hearing aid, but do not use them or have access to them. I will ask unanimous consent to insert this important news article in the RECORD, so that all of our colleagues can read and learn more about this issue. In addition to educating themselves, I also ask that Members educate their loved ones and constituents about this important issue.

To ensure that Medicare beneficiaries receive direct access to services, I have introduced the Hearing Health Accessibility Act of 2005, S.277 in February of this year. I would like to take this moment to thank all of my colleagues that have cosponsored and supported this legislation. I urge other Senators to consider cosponsoring my bipartisan bill which will become increasingly important as baby boomers enter retirement.

I ask unanimous consent the editorial 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:

[From Newsweek, June 6, 2005]

A LITTLE BIT LOUDER, PLEASE

(By David Noonan)

Kathy Peck has some great memories of her days playing bass and singing with The Contractions, an all-female punk band. The San Francisco group developed a loyal following as it played hundreds of shows, and released two singles and an album between 1979 and 1985. Their music was fun, fast and loud. Too loud, as it turned out. After The Contractions opened for Duran Duran in front of thousands of screaming teenyboppers at the Oakland Coliseum in 1984, Peck's ears were ringing for days. Then her hearing gradually deteriorated. ''It got to the point where I couldn't hear conversations,'' says Peck, now in her 50s. ''People's lips would move and there was no sound. I was totally freaked out.''

Peck the punk rocker lived out one of her generation's musical fantasies two decades ago; Peck the hearing-impaired has been living out one of its fears ever since.

Over the years she has battled her problem, a combination of noise-induced hearing loss and a congenital condition (diagnosed after the traumatic concert), with a variety of strategies and interventions, including sign language, lip reading, double hearing aids and, eventually, surgery on the tiny bones in her middle ears. Today Peck, who used to cry with frustration at movies because she couldn't hear the dialogue, still has ringing in her ears (tinnitus) and mild hearing loss, but gets by , without help.

Aging rockers aren't the only ones struggling with diminished hearing these days. More than 28 million Americans currently have some degree of hearing loss, from mild to severe, and the number is expected to soar in the coming years—reaching an astounding 78 million by 2030. While that looming surge is mostly a baby-boomer phenomenon, the threat of hearing loss—and the need for prevention—isn't limited to a single age group. We are all caught in the constant roar of the 21st century. It's the rare kid today who doesn't have wires snaking out of her ears as she rocks through the day to her own personal soundtrack. Televisions are bigger and louder than ever, and so are movie theaters. One study estimates that as many as 5.2 million children in the United States between 6 and 19 have some hearing damage from amplified music and other sources. If they don't take steps to protect their hearing, the iPod Generation faces the same fate as the Woodstock Generation. Or worse.

Thanks to their years of living loudly, many boomers are ahead of schedule when it comes to hearing loss, showing symptoms in their late 40s and 50s. (In the past, patients usually weren't diagnosed until their 60s or later.) ''We're seeing hearing loss from noise develop at an earlier age than we used to,'' says Dr. Jennifer Derebery, immediate past president of the American Academy of Otolaryngology—Head and Neck Surgery. ''It's a huge problem.'' The good news: though hearing loss can't be reversed, reducing exposure to excessive noise, like quitting cigarettes, can improve your health and quality of life, no matter your age.

Of course, noise isn't the only culprit. ''Even if you spent your life in the library, you wouldn't hear as well when you're 70 as you do when you're 20,'' says Dr. Robert Dobie, professor of otolaryngology (ear, nose and throat) at the University of California, Davis. But who spent their lives in the library? Not Kathy Peck and her fans; not the folks riding jackhammers on road crews, and not the firefighters and cops dashing to the rescue with their sirens screaming. Even pediatricians have been known to develop hearing problems after years spent around crying babies. When you combine the excessive noise they have experienced at work, home and play with the natural effects of aging, boomers end up on the receiving end of what Dr. Peter Rabinowitz at the Yale School of Medicine calls a ''double whammy that makes people much more symptomatic.''

But progress is being made on many fronts. Awareness and prevention efforts—community-based, state and nationwide programs—are gaining support around the country as hearing loss is increasingly recognized as a public-health issue. Advances in digital technology have dramatically improved hearing aids; they are smaller than ever, with far better sound quality. And clinical trials are now underway on permanent, implantable hearing aids for the middle ear which will offer sound that is superior even to the best external aids. On the biological front, scientists are busy trying to unlock the genetics of hearing to find a way to regenerate the sensitive hair cells, essential for hearing, that line the cochlea, the spiral, seashell-like structure located in the inner ear. And way out on the horizon of the cutting edge, researchers have created an experimental brain-implant system that bypasses the ear altogether and sends sound from an external receiver to the part of the brainstem that processes sound.

The product of extraordinary, even beautiful, anatomy, hearing is a natural wonder and exactly the sort of gift we tend to take for granted. ''Unfortunately, a lot of people do not value their hearing,'' says Dr. William Slattery, director of clinical studies at the House Ear Institute in Los Angeles. Hearing may also be too good for its own good. Human ears were originally meant to pick up the faintest sounds of predators stalking our long-ago ancestors—the snap of twigs in the forest, the rustle of grass on the savanna. The crash and racket of modern life, both urban (motorcycles, subway trains, car alarms) and rural (chain saws, snowmobiles, shotguns), assault and insult these gorgeous instruments.

Most common types of hearing loss occur at the higher frequencies and are caused by damage to hair cells. Slattery describes the cochlea as ''a piano, with 15,000 keys rather than 88.'' Different parts of the cochlea process different frequencies of sound, so when you have hearing loss at a certain frequency, it's as if that part of the keyboard is not functioning. Various levels of noise affect hair cells in various ways. If a rocket-propelled grenade goes off right next to you, you can experience ''acoustic trauma'' that kills hair cells and causes the instant loss of a great deal of hearing. (Hearing loss is the third most commonly diagnosed service-related ailment, according to the Department of Veterans Affairs.) Hanging out directly in front of the speakers at a Green Day concert could result in a less serious ''temporary threshold shift,'' in which the hair cells are stressed but not permanently damaged. Such stress is often accompanied by ringing in the ears that can last for hours or even days. (Derebery notes that repeated threshold shifts can lead to permanent hearing loss.) And then there's what might be called noisy-world syndrome. While an individual's noise exposure may not reach the official danger zone, the worry is that the chronic din of daily life could lead to deterioration over time. ''There's not a lot of data about it,'' says Rabinowitz, ''but our concern is that there is less and less time for the ears to rest, and so the hair cells are going to be prematurely exhausted.''

Protecting your hearing starts with understanding how noise works. The classic ''formula'' for assessing the risk of hearing loss is the intensity of the noise, measured in decibels (the danger starts at 85 decibels, roughly the sound of a lawn mower), multiplied by duration, the time of exposure. In other words, the louder the noise, the less time you should be exposed to it. Prolonged exposure to any noise above 85 decibels can cause gradual hearing loss. According to what experts call the ''five-decibel rule,'' for each five-decibel increase, the permissible exposure time is cut in half. So one hour at 110 decibels is equivalent to eight hours at 95 decibels. And sound levels above 116 decibels (snowmobiles are about 120, rock concerts about 140) are unsafe for any period of time.

For millions of Americans, excessive noise in the workplace is a daily threat. Angelo Iasillo, 45, has worked in road construction since 1989, operating jackhammers and a ''road grinder'' to tear up Chicago's streets. He first noticed a problem with his hearing when he was in his early 30s and found himself asking more and more people to repeat themselves. He also demonstrated another classic symptom. ''I was always putting the TV up louder,'' he recalls. Worried, he went to the doctor and was told, at 32, that he had the hearing of an 80-year-old. Today, Iasillo wears a hearing aid, uses a vibrating alarm clock that he keeps under his pillow and has his doorbell rigged to a lamp—it blinks when someone rings.

While the Occupational Safety and Health Administration (OSHA) has made great headway against noise-induced hearing loss in the past 20 years, compliance with federal regulations can be a problem in some occupations. Earplugs would certainly help protect road workers like Iasillo, but to be safe at busy work sites they also need to hear what is happening around them. And some professions are louder than we think. Truck-drivers, for example, have a high incidence of hearing loss in their left ears from traffic noise, says Hinrich Staecker, professor of otolaryngology at the University of Maryland School of Medicine.

The National Institutes of Health runs a campaign against noise-induced hearing loss, called ''Wise Ears,'' that emphasizes basic steps like wearing earplugs when operating power tools and moderating the volume on personal listening devices. The ubiquitous music players, which send sound directly down the ear canal, are a potential problem for millions of Americans, young and old. In a recent informal study at the House Ear Institute, researchers found that the new generation of digital audio players, with their exceptional clarity, allow listeners to turn up the volume without the signal distortion that occurs with traditional analog audio. Without distortion, which serves as kind of natural volume governor, listeners may be exposed to unsafe sound levels without realizing it. In preliminary observations, the music at the eardrum topped 115 decibels. Exposure to noise that loud for more than 28 seconds per day, over time, can cause permanent damage.

Kathy Peck, who learned the hard way about the dangers of loud music, has dedicated herself to helping other musicians avoid her fate. Along with Dr. Flash Gordon, the physician from the Haight Ashbury Free Clinic who helped with her hearing loss 20 years ago, Peck cofounded Hearing Education and Awareness for Rockers (HEAR). Since its inception in 1988 (with seed money from the Who's Pete Townshend, whose hearing was also trashed by loud music), the group has helped thousands of young rockers, distributing free earplugs at clubs, concerts and music festivals, and providing free screenings by audiologists.

For more than 6 million Americans, hearing aids are the best available solution for everything from mild to profound hearing loss. Today's digital devices, like the analog instruments that preceded them, amplify sound and transmit it down the ear canal to the eardrum. But the similarities end there. Thanks to digital technologies, modern aids offer better sound quality (above). Top-of-the-line models feature ''directional'' or ''high definition'' hearing. These devices use two microphones and an algorithm to enhance sound coming from the front (the person you are talking to), while tuning down sound coming from behind (the rest of the noisy party).

Despite such encouraging technical advances, there are about 21 million people in the United States who could benefit from hearing aids, but don't use them. Many simply can't afford them. Their costs range from a few hundred dollars for a basic analog device to $3,500 for high-end instruments, and are rarely covered by insurance. Another reason some folks eschew aids is discomfort—they simply don't like the feeling of walking around with a plugged ear canal. And even with digital technology, people can still have difficulty separating speech they want to hear from the background noise, a common hearing-aid problem. Yet another obstacle to wider use is stigma—many people associate hearing aids with aging, Slattery says, and would just as soon cup a hand behind their ear. ''They're afraid to look old, but they don't mind looking dumb.''

A new generation of implantable and semi-implantable hearing aids, currently being developed and tested, could solve many of these problems. Unlike conventional aids, the new devices transmit sound vibrations directly to the bones in the middle ear, bypassing the eardrum and improving speech perception. ''You can amplify the higher frequencies without feedback problems,'' says Slattery, ''and that gives a richness to the sound. It's the high frequencies that help you localize sound and hear better in noisy situations.'' Other pluses: no clogged ear canal and no visible sign of infirmity. But until insurance companies start paying for hearing aids (they are under increasing pressure to do so), the $15,000-to-$20,000 devices—intended for those with moderate to severe hearing loss—will remain out of reach for most.

A more permanent solution to hearing loss—regenerating damaged cochlear hair cells—is the shared goal of a scattered band of researchers around the country. Unlike birds and other lower vertebrates, which can regenerate hair cells, humans and other mammals get one set, and that's it. If scientists can discover a way to grow new hair cells in humans, exciting new treatments could be devised. Already, researchers at the University of Michigan have used gene therapy to grow new hair cells in guinea pigs. At the House Ear Institute, Andrew Groves and Neil Segil are studying the embryonic development of hair cells in genetically engineered mice. If they can unravel the process, figure out how it starts and why it stops in mammals, they may eventually be able to reactivate the cells and have them make new hair cells. In a related experiment, they have managed to coax some embryonic cochlear cells in mice to restart and become hair cells. ''This is new stuff,'' says Segil, with the calm that often masks excitement in scientific circles.

''If you are going to have a hearing loss, this is the best time to do it,'' says Char Sivertson, who began to lose her hearing without discernible cause when she was a teenager. Sivertson is downright enthusiastic about things like closed captioning. ''It's incredible; now I'm not left out of TV,'' she says, and ticks off other high -tech advances, such as digital hearing aids and phones that can be ''tuned'' to improve the clarity of the caller's voice.

But Sivertson, an activist member of the Association of Late-Deafened Adults (ALDA), a support group, wasn't always so gung-ho. ''I was in denial for years and years,'' she says. ''I tried to pass for hearing, which was ridiculous.'' Sivertson was using hearing aids by the age of 24, but it was another 20 years before she fully accepted her fate. And there were some dark days in between. Every few years, her hearing would suddenly get worse. After one such drop, ''I was very depressed,'' says Sivertson, now 57. ''I wasn't exactly suicidal, but I was thinking, 'I'm not sure life is going to be very meaningful for me from this point on'.''

Sivertson faced a myriad problems while raising her two sons, Dak and Matt. When there was a school matter or some other issue to discuss, her sons tended to bypass her and go to their dad, Larry, who has normal hearing. ''Kids don't want to repeat themselves and stuff like that,'' says Larry Sivertson. ''It's up to the hearing spouse to make sure that the person with hearing loss is involved.'' Char Sivertson found peace of mind through her association with ALDA. Joining such a group, she says, ''is the No. 1 thing you can do for yourself'' if you develop hearing loss later in life.

And here's something you can do before you reach that point—learn to appreciate what you already have. Says Yale's Rabinowitz: ''If you are watching your diet, if you are exercising, then protecting your hearing should be part of your lifestyle.'' Sounds good to us.

GRANTS UNDER THE NATIONAL FLOOD INSURANCE PROGRAM

Mr. NELSON of Florida. Mr. President, on Sunday afternoon, Hurricane Dennis made landfall on Florida's Gulf Coast, causing billions of dollars in damage, taking four lives and bringing back terrible memories of last summer's four hurricanes. Some people in north Florida were still recovering from Hurricane Ivan when Dennis struck.

I was down in Pensacola on Monday and saw the damage wrought by Dennis. People are still without power in the summer heat. Food, clean water and ice are absolutely vital right now. Many coastal areas, like the small village of St. Mark's, were deluged by water from the ten foot storm surge. Mitigation helps us to better prepare for future storms, lessens their impact and saves lives.

Last summer, when the Internal Revenue Service ruled that FEMA mitigation grants must be reported as taxable income, I worked to advance a bill ensuring they were exempt from Federal taxes. This bill was signed into law by the President on April 15. Each year, hundreds of Floridians use mitigation grants to protect their lives and property from future natural disasters. Now they know for sure that accepting a mitigation grant to flood proof their home won't result in higher taxes.

Yet even with this relief, another IRS ruling is causing problems with the flood insurance program. That's because according to the IRS, a National Flood Insurance Program, NFIP, grant must be included as income. This could make some recipients ineligible for crucial Federal assistance programs like Food Stamps, aid to dependent children and Medicaid. No one should have to choose between making their home safe from flooding and food or medicine. No other kind of emergency assistance granted by FEMA counts toward income and neither should flood mitigation grants.

I'm pleased to sign onto legislation introduced by my colleague from Florida which would prevent Federal agencies administering means-tested benefits from counting NFIP grants as income. I hope the Senate will consider this legislation quickly and provide peace of mind to Floridians and other Americans living in disaster prone areas of the country.

ADDITIONAL STATEMENTS

CONGRATULATING MS. SHANNON MURPHY

• Mr. BUNNING. Mr. President, today I rise to congratulate Ms. Shannon Murphy of Louisville, KY. Ms. Murphy recently completed the 2004–2005 United States Holocaust Memorial Museum's Teacher Fellowship Program.

The Museum Teacher Fellowship Program develops a national corps of skilled secondary school educators who will serve as leaders in Holocaust education in their schools, their communities, and their professional organizations. In August of 2004, Ms. Murphy participated in a summer institute at the Museum designed to immerse

teachers in advanced historical and pedagogical issues connected to the Holocaust.

It is truly an honor to have Ms. Murphy join the other 185 Museum Teacher Fellows who work throughout the country to provide teachers and communities with opportunities to learn about the Holocaust and the ongoing threats of genocide in the world today. I heartily applaud Ms. Murphy's hard work and achievements.●

ACHIEVEMENTS OF THE STOLAR RESEARCH CORP.

● Mr. DOMENICI. Mr. President, I would like to recognize the achievements of the Stolar Research Corp. of Raton, NM. Stolar's drill string radar was recently selected by R&D magazine as one of the 100 most technologically significant products introduced into the marketplace this year.

The drill string radar attaches to systems that drill for natural resources. It can identify geological formations, locate the position of oil and gas deposits, and determine the thickness of coal seams. The use of the drill string radar will permit missed oil and gas reserves to be cost effectively and easily located. I have every expectation this capability will allow us to more efficiently utilize the resources we have. This ability will lessen our dependence upon foreign sources of energy, which is vital to our economic and strategic interest.

I would also like to commend Dr. Larry Stolarczyk, founder and president of Stolar Research Corp. His accomplishments and commitment to his hometown of Raton are an example to all New Mexicans.

This is the fourth industry award Stolar has received and I believe it will not be the last. I am very proud of Stolar's achievements. I congratulate them and encourage them to keep up the good work.●

60TH ANNIVERSARY OF WHITE SANDS MISSILE RANGE

● Mr. DOMENICI. Mr. President, I would like to recognize the central role White Sands Missile Range, WSMR, has played in the defense of our Nation and our exploration of space, as we commemorate its establishment 60 years ago.

I would also like to honor the men and women who have served and worked at White Sands. It is due to their hard work and dedication that White Sands has been, and remains a shining example of American scientific and technological innovation.

On July 9, 1945, White Sands Missile Range was officially established. One week later, its place in history was assured with the detonation of the world's first atomic device at the Trinity site. This would prove a pivotal moment in the final defeat of the Japanese Empire and the course of world history. The Trinity test was to be the first of many historical achievements that will forever be linked to White Sands.

At White Sands the technology was developed and matured that would propel the United States into space and to the Moon. Beginning with the reverse engineering and testing of captured German V2 rockets at the end of the Second World War, a base of knowledge was created there that would lead directly to the development of the Redstone rocket program and every rocket produced in the United States since. It was a Redstone Rocket which launched the first U.S. astronaut, Alan Shephard, into space on May 5, 1961. For these achievements, White Sands is often referred to as the ''Birthplace of the Race to Space.''

White Sands continues its close connection to the space program today as a space harbor serving as the backup landing facility for the space shuttle. It also serves as the primary training area for NASA space shuttle pilots flying practice approaches and landings in the shuttle-training aircraft.

Over the last 60 years, White Sands Missile Range's contribution to the security of the United States has been significant. Most of the missile systems used by the U.S. military have been tested at WSMR. Like America's first guided anti-aircraft missile the Nike Ajax and the Patriot missile system made famous during the first gulf war, the missile systems tested at White Sands have played an important role in ensuring the technological superiority of the Armed Forces throughout the last six decades.

Today, White Sands Missile Range continues its long tradition of excellence as a testing and development center for new technologies and is the largest military facility in the United States. I would like to thank the men and women, past and present, who have made White Sands a source of national pride. I have no doubt the work done at White Sands will continue to contribute to the national security of the United States and further the scientific achievements of our Nation.●

GOLD STAR WIVES OF AMERICA

● Mr. KERRY. Mr. President, I rise today to pay tribute to an organization that has answered the call of duty on behalf of our soldiers and their families for the last 60 years, the Gold Star Wives of America, Inc. On July 19th, representatives of all the Gold Star Wives chapters will gather in Orlando, FL, to commemorate their 60th Anniversary and I ask every American to join me in thanking these citizen soldiers for their tireless work on behalf of military families across this country.

While we as a Nation celebrate and honor the service of our soldiers, it is organizations such as the Gold-Star Wives that remind us that every soldier is a sibling, a parent, someone's child, a spouse. They also remind us that our national obligation is not only to the soldier in the field but to the family a fallen soldier leaves behind.

Prior to World War II, many military widows and their families did not have a strong voice to advocate on their behalf. All of that changed in New York when 23-year-old Marie Jordan, whose husband Edward died in Germany, collected women's names as they appeared in military obituaries and invited a small group over for coffee. Once together, the assembled widows realized that their concerns were many, that their issues were common amongst many military widows, and that there was not an organization charged with advocating on their behalf. They set about addressing these three concerns and in the process created the Gold Star Wives of America with a simple but profound mission: to honor those who died in the service of their country and assist those left behind.

The meetings continued and grew throughout New York. In April of 1945, our country lost the President. From the sorrow of that loss came a member who would have a lasting and dramatic effect on the group's profile, Mrs. Eleanor Roosevelt. Through Mrs. Roosevelt's weekly columns and public profile, the visibility of the Gold Star Wives increased, as did their impact and membership. That early coffee gathering evolved into their one and only annual fundraiser, a ''Stay-at-Home Tea'' to which members are encouraged to donate amounts as small a $10 and $15.

Initially the activities were local, such as arranging camping trips for the children of lost soldiers and volunteering at veterans hospitals. As membership grew so did the scope of the young organization's focus, which soon incorporated organizational support for memorial projects, helping coordinate Veterans and Memorial Days programs and speaking out in public forums on behalf of widowed military wives.

And the work continues today. Tiffany Petty, 25, of Inkom, ID, was widowed in December 2003 when her husband, Army PFC Jerrick M. Petty, was killed while guarding a gas station in Iraq. Along with other members of the Gold Star Wives, Tiffany appeared before the Senate and communicated in strong, heartfelt terms the need to increase death benefits for survivors and remove the bureaucratic obstacles grieving families face in accessing benefits.

On July 19, the mothers, wives, sisters, and daughters that comprise the membership of the Gold Star Wives will convene in Florida. A central part of this 60th anniversary celebration will be a tribute to the group's founder now known as Marie Jordan Speer. Along with the Massachusetts delegation, I am proud to stand with all of these inspiring women as they pay tribute to a patriot and citizen soldier who has had an immeasurable impact on how this nation treats military families.

As a veteran and as an American, I thank Marie Jordan Speer and every member, past and present, of the Gold Star Wives of America for their patriotic service, for their advocacy, and for making sure that this country lives up to its obligation to soldiers long after the battlefield falls quiet and troops come home.●

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 REQUESTED IN SECTION 2106 OF THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005 (PUBLIC LAW 109–13) PROVIDING INFORMATION ON MATTERS RELATING TO THE PALESTINIAN SECURITY SERVICES AND PALESTINIAN AUTHORITY REFORM—PM 17

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 Foreign Relations:

To the Congress of the United States:

Consistent with section 2106 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), and in order to keep the Congress fully informed, I herewith submit the enclosed report prepared by my Administration providing information on matters relating to the Palestinian Security Services and Palestinian Authority reform.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 14, 2005.*

MESSAGES FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1220. An act to increase, effective as of December 1, 2005, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

H.R. 2113. An act to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the ''John F. Whiteside Joliet Post Office Building''.

H.R. 2183. An act to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the ''Vincent Palladino Post Office''.

H.R. 2385. An act to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.

H.R. 2630. An act to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the ''J.M. Dietrich Northeast Annex''.

The message also announced that pursuant to the request of the Senate, on July 11, 2005, the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, together with all accompanying papers is hereby returned to the Senate.

At 4:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 191. Concurrent resolution commemorating the 60th anniversary of the conclusion of the War in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Energy and Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, HALL, BILIRAKIS, UPTON, STEAMS, GILLMOR, SHIMKUS, SHADEGG, PICKERING, BLUNT, BASS, DINGELL, WAXMAN, MARKEY, BOUCHER, STUPAK, WYNN, and Ms. SOLIS.

Provided that Mrs. CAPPS is appointed in lieu of Mr. WYNN for consideration of secs. 1501–1506 of the House bill, and secs. 221 and 223–225 of the Senate amendment, and modifications committed to conference.

From the Committee on Agriculture, for consideration of secs. 332, 344, 346, 1701, 1806, 2008, 2019, 2024, 2029, and 2030 of the House bill, and secs. 251–253, 264, 303, 319, 342, 343, 345, and 347 of the Senate amendment, and modifications committed to conference: Messrs. GOODLATTE, LUCAS, and PETERSON of Minnesota.

From the Committee on Armed Services, for consideration of secs. 104, 231, 601–607, 609–612, and 661 of the House bill, and secs. 104, 281, 601–607, 609, 610, 625, 741–743, 1005, and 1006 of the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, and SKELTON.

From the Committee on Education and the Workforce, for consideration of secs. 121, 632, 640, 2206, and 2209 of the House bill, and secs. 625, 1103, 1104, and 1106 of the Senate amendment, and modifications committed to conference: Messrs. NORWOOD, SAM JOHNSON of Texas, and KIND.

From the Committee on Financial Services, for consideration of secs. 141–149 of the House bill, and secs. 161–164 and 505 of the Senate amendment, and modifications committed to conference: Messrs. OXLEY, NEY, and Ms. WATERS.

From the Committee on Government Reform, for consideration of secs. 102, 104, 105, 203, 205, 502, 624, 632, 701, 704, 1002, 1227, and 2304 of the House bill, and secs. 102, 104, 105, 108, 203, 502, 625, 701–703, 723–725, 741–743, 939, and 1011 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, ISSA, and Ms. WATSON.

From the Committee on the Judiciary, for consideration of secs. 320, 377, 612, 625, 632, 663, 665, 1221, 1265, 1270, 1283, 1442, 1502, and 2208 of the House bill, and secs. 137, 211, 328, 384, 389, 625, 1221, 1264, 1269, 1270, 1275, 1280, and 1402 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, CHABOT, and Conyers.

From the Committee on Resources, for consideration of secs. 204, 231, 330, 344, 346, 355, 358, 377, 379, Title V, secs. 969–976, 1701, 1702, Title XVIII, secs. 1902, 2001–2019, 2022–2031, 2033, 2041, 2042, 2051–2055, Title XXI, Title XXII, and Title XXIV of the House bill, and secs. 241–245, 252, 253, 261–270, 281, 311–317, 319–323, 326, 327, 342–346, 348, 371, 387, 391, 411–414, 416, and 501–506 of the Senate amendment, and modifications committed to conference: Mr. POMBO, Mrs. CUBIN, and Mr. RAHALL.

From the Committee on Rules, for consideration of sec. 713 of the Senate amendment, and modifications committed to conference: Messrs. DREIER, LINCOLN DIAZ-BALART of Florida, and Ms. SLAUGHTER.

From the Committee on Science, for consideration of secs. 108, 126, 205, 209, 302, 401–404, 411, 416, 441, 601–607, 609–612, 631, 651, 652, 661, 711, 712, 721–724, 731, 741–744, 751, 754, 757, 759, 801–811, Title IX, secs. 1002, 1225–1227, 1451, 1452, 1701, 1820, and Title XXIV of the House bill, and secs. 125, 126, 142, 212, 230–232, 251–253, 302, 318, 327, 346, 401–407, 415, 503, 601–607, 609, 610, 624, 631–635, 706, 721, 722, 725, 731, 734, 751, 752, 757, 801, Title IX, Title X, secs. 1102, 1103, 1105, 1106, 1224, Title XIV, secs. 1601, 1602, and 1611 of the Senate amendment, and modifications committed to conference: Mr. BOEHLERT, Mrs. BIGGERT, and Mr. GORDON.

Provided that Mr. COSTELLO is appointed in lieu of Mr. GORDON for consideration of secs. 401–404, 411, 416, and 441 of the House bill, and secs. 401–407 and 415 of the Senate amendment, and modifications committed to conference.

From the Committee on Transportation and Infrastructure, for consideration of secs. 101–103, 105, 108, 109, 137, 205, 208, 231, 241, 242, 320, 328–330, 377, 379, 721–724, 741–744, 751, 755, 756, 758, 811, 1211, 1221, 1231, 1234, 1236, 1241, 1281–1283, 1285, 1295, 1442, 1446, 2008, 2010, 2026, 2029, 2030, 2207, and 2210 of the House bill, and secs. 101–103, 105, 107, 108, 281, 325, 344, 345, 383, 731–733, 752, 1211, 1221, 1231, 1233, 1235, 1261, 1263, 1266, and 1291 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, and OBERSTAR.

From the Committee on Ways and Means, for consideration of Title XIII of the House bill, and secs. 135, 405, Title XV, and sec. 1611 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, CAMP, and RANGEL.

ENROLLED BILL SIGNED

At 5:50 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3071. An act to permit the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1220. An act to increase, effective as of December 1, 2005, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2113. An act to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the ''John F. Whiteside Joliet Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2183. An act to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the ''Vincent Palladino Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2385. To extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program; to the Committee on Commerce, Science, and Transportation

H.R. 2630. An act to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the ''J.M. Dietrich Northeast Annex''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1394. A bill to reform the United Nations, 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–2970. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Potassium Triiodide; Pesticide Chemical Not Requiring a Tolerance or and Exemption from Tolerance'' (FRL7714–4) received on July 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2971. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spirodiclofen; Pesticide Tolerance'' (FRL7714–3) received on July 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2972. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imidacloprid; Pesticide Tolerances'' (FRL7720–1) received on July 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2973. A communication from the Director, Child Nutrition Division, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''School Food Safety Inspections'' (RIN0584–AD64) received on July 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry

EC–2974. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''School Food Safety Inspections'' (RIN0584–AD64) received on July 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2975. A communication from the Secretary, Department of Agriculture, transmitting, a draft of proposed legislation to bring certain Federal Agricultural programs into compliance with agreements of the World Trade Organization, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2976. A communication from the Secretary, Department of Agriculture, transmitting, a draft of proposed legislation entitled ''Forest Service Facility Realignment and Enhancement Act of 2005''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2977. A communication from the Acting Under Secretary, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Renewable Energy Systems and Energy Efficiency Improvements Program'' (RIN0570–AA50) received on July 11, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2978. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions; Correction'' (FRL1936–8); to the Committee on Environment and Public Works.

EC–2979. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL7936–7); to the Committee on Environment and Public Works.

EC–2980. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Municipal Waste Combustor Emissions from Small Existing Municipal Solid Waste Combustor Unites'' (FRL7937–5); to the Committee on Environment and Public Works.

EC–2981. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Emissions of Air Pollution From Diesel Fuel'' (FRL1937–3); to the Committee on Environment and Public Works.

EC–2982. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Washington; Correcting Amendments'' (FRL7936–3); to the Committee on Environment and Public Works.

EC–2983. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plan; Idaho'' (FRL1936–1); to the Committee on Environment and Public Works.

EC–2984. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delegation of National Emission Standards for Hazardous Air Pollutions for Source Categories; State of Arizona; Pima County Department of Environmental Quality; State of Nevada; Nevada Division of Environmental Protection'' (FRL7935–2); to the Committee on Environment and Public Works.

EC–2985. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Enforceable Consent Agreement and Testing Consent Order for Four Formulated Composites of Fluoroploymer Chemicals; Expert Notification'' (FRL7710–5); to the Committee on Environment and Public Works.

EC–2986. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Enforceable Consent Agreement and Testing Consent Order for Two Formulated Composites of Fluorotelmer-based Polymer Chemicals; Export Notification'' (FRL7710–4); to the Committee on Environment and Public Works.

EC–2987. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections; Sections 112(g) and 112(j)'' (FRL7935–4); to the Committee on Environment and Public Works.

EC–2988. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Nonattainment Major New Source Review Implementation Under 8-Hour Ozone National Ambient Air Quality Standard: Reconsideration'' (FRL1934–9); to the Committee on Environment and Public Works.

EC–2989. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled ''Toxic Release Inventory Reporting Forms Modification Rule'' (FRL7532–6); to the Committee on Environment and Public Works.

EC–2990. A communication from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting, pursuant to law, a report on the final decision document and environmental assessment for the Muddy River Flood Control and Ecosystem Restoration in Boston and Brookline, Massachusetts; to the Committee on Environment and Public Works.

EC–2991. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the semi-annual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine and Uzbekistan with the Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Finance.

EC–2992. A communication from the Acting General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation that would increase the collection of delinquent non-tax debt owed to the government by eliminating the ten-year statute of limitations applicable to the collection of debts by administrative offset; to the Committee on Finance.

EC–2993. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the June 2005 Report on Issues in a Modernized Medicare Program; to the Committee on Finance.

EC–2994. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Election Out of Section 1400L(c)'' (Rev. Proc. 2005–43); to the Committee on Finance.

EC–2995. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Losses Claimed and Income to be Reopened from Sale In/Lease Out (SILO) Transactions'' (9300.38–00) to the Committee on Finance.

EC–2996. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—May 2005'' (Rev. Rul. 2005–45); to the Committee on Finance.

EC–2997. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Treatment of Disaster Relief Grants to Business'' (Rev. Rul. 2005–46); to the Committee on Finance.

EC–2998. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Competitive Acquisition of Outpatient Drugs and Biologicals Under Part B'' (RIN0938–AN58) received on July 7, 2005; to the Committee on Finance.

EC–2999. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of General Counsel, received on July 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3000. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Beverages: Bottled Water'' (Doc. No. 2004N–0416) received on July 6, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3001. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Financial Disclosure Requirements for Employees of the Department'' (RIN3209–AA15) received on July 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3002. A communication from the Assistant General Counsel for Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Innovation for Teacher Quality—Troops to Teachers'' (RIN1855–AA04) received on July 1, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3003. A communication from the Administrator, Office of National Programs, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Indian and Native American Welfare-to-Work Program'' (RIN1205–AB16) received on July 11, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3004. A communication from the Acting Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners'' (RIN1219–AB29) received on July 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3005. A communication from the Assistant Secretary, Division of Market Regulation, Securities and Exchange Commission transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Penny Stock Rules'' (RIN3235–AI02) received on July 1, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3006. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–3007. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements other than treaties; to the Committee on Foreign Relations.

EC–3008. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the International Traffic in Arms Regulations: Part 126'' (RIN1400–ZA17) received on July 6, 2005; to the Committee on Foreign Relations.

EC–3009. A communication from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, the report on Advanced Simulation and Computing Program Participant Computer Company Sales to Tier III Countries in Calendar Year 2004; to the Committee on Energy and Natural Resources.

EC–3010. A communication from the Director, Office of Electricity and Energy Assurance, Department of Energy, transmitting, pursuant to law, a report on the Navajo Electrification Demonstration Program for 2004; to the Committee on Energy and Natural Resources.

EC–3011. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-120, ''Emergency Suspension of Liquor Licenses Act of 2005'' received on July 11, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3012. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–130, ''Closing and Disposition of a Portion of Wisconsin Avenue, N.W., Right-of-Way, S.O. 05–2378, Act of 2005'' received on July 11, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3013. A communication from the Acting Secretary of the Army, transmitting pursuant to law, a report regarding the discharge of the Department of Defense's responsibilities concerning termination of the Panama Canal Commission Office of Transition Administration; to the Committee on Homeland Security and Governmental Affairs.

EC–3014. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's report required by the Government in the Sunshine Act for calendar year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–3015. A communication from the Acting General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation that would direct the Secretary of the Treasury to collect fees that would recover the Alcohol and Tobacco Tax and Trade Bureau's cost in providing regulatory services to the alcohol industry; to the Committee on the Judiciary.

EC–3016. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period October 1, 2004 through March 31, 2005 from moneys appropriated to the Architect; to the Committee on Appropriations.

EC–3017. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments'' (RIN1625–ZA04) received on July 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3018. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events (including 2 regulations)'' (RIN1625–AA08) received on July 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3019. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone (including 8 regulations)'' (RIN1625–AA00) received on July 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3020. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones (including 2 regulations)'' (RIN1625–AA87) received on July 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3021. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Georgetown Channel, Potomac River, Washington, DC'' (RIN1625–AA87) received on

July 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3022. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations (including 2 regulations)'' (RIN1625–AA09) received on July 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3023. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations (including 2 regulations)'' (RIN1625–AA09) received on July 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3024. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Reallocation of Unused Community Development Quota, Incidental Catch Allowance, and Non-CDQ Pollock Allocation from the Aleutian Islands Subarea to the Bering Sea Subarea'' received on July 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3025. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Naval Petroleum Reserves Annual Report of Operations Fiscal Year 2004''; to the Committee on Armed Services.

EC–3026. A communication from the Director, Naval Reactors, transmitting, pursuant to law, a report on radiological waste disposal and environmental monitoring, worker radiation exposure, and occupational safety and health, as well as a report providing an overview of the Program; to the Committee on Armed Services.

EC–3027. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3028. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3029. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more with Haiti; to the Committee on Armed Services.

EC–3030. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more for the distribution by Browning International in Belgium; to the Committee on Armed Services.

EC–3031. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles or defense services in the amount of $100,000,000 or more to Japan; to the Committee on Armed Services.

EC–3032. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the manufacture of significant military equipment abroad in the amount of $265,000 to the United Kingdom; to the Committee on Armed Services.

EC–3033. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3034. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a list of officers authorized to wear the insignia of rear admiral (lower half); to the Committee on Armed Services.

EC–3035. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a list of officers authorized to wear the insignia of major general; to the Committee on Armed Services.

EC–3036. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled ''Inquiry Response Regarding COBRA Data for Newport, RI and Athens, GA'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3037. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (5 subjects on 1 disc beginning with ''COBRA Data on Navy Supply Corps School, Athens, GA'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3038. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (3 subjects on 1 disc beginning with ''Inquiry Response Regarding Grand Forks AFB'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3039. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (2 subjects on 1 disc beginning with ''Inquiry Response Regarding Synergy of Training Between Cannon AFB F–16s and Ft Sill'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3040. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (3 subjects on 1 disc beginning with ''Inquiry Response Regarding Coordination of Air Sovereignty Mission with BRAC'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 3010. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–103).

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 662. A bill to reform the postal laws of the United States.

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. ALLEN (for himself and Mr. SANTORUM):

S. 1396. A bill to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LIEBERMAN (for himself, Mrs. CLINTON, Mr. NELSON of Florida, Mr. REED, and Mr. SALAZAR):

S. 1397. A bill to amend title 10, United States Code, to provide for an increase in the minimum end-strength level for active duty personnel for the United States Army, and for other purposes; to the Committee on Armed Services.

By Mr. FEINGOLD:

S. 1398. A bill to provide more rigorous requirements with respect to ethics and lobbying; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THOMAS:

S. 1399. A bill to improve the results the executive branch achieves on behalf of the American people; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CHAFEE (for himself, Mrs. CLINTON, Mr. INHOFE, and Mr. JEFFORDS):

S. 1400. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States; to the Committee on Environment and Public Works.

By Mr. GREGG (for himself, Mr. ROBERTS, and Mr. ALEXANDER):

S. 1401. A bill to amend the Internal Revenue Code of 1986 to clarify the proper treatment of differential wage payments made to employees called to active duty in the uniformed services, and for other purposes; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. LEVIN, Ms. STABENOW, Mr. VOINOVICH, Mr. BAYH, Mr. DAYTON, Mr. FEINGOLD, and Mr. DURBIN):

S. 1402. A bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp; to the Committee on Environment and Public Works.

By Mr. WYDEN:

S. 1403. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under medicare; to the Committee on Finance.

By Mr. BOND:

S. 1404. A bill to clarify that terminal development grants remain in effect under certain conditions; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Nebraska (for himself, Mr. SANTORUM, and Mr. CORZINE):

S. 1405. A bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an impatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation; to the Committee on Finance.

By Mr. CORNYN:

S. 1406. A bill to protect American workers and responders by ensuring the continued

commercial availability of respirators and to establish rules governing product liability actions against manufacturers and sellers of respirators; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Mrs. CLINTON):

S. 1407. A bill to provide grants to States and local governments to assess the effectiveness of sexual predator electronic monitoring programs; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. NELSON of Florida, Mr. STEVENS, Mr. INOUYE, Mr. MCCAIN, and Mr. PRYOR):

S. 1408. A bill to strengthen data protection and safeguards, require data breach notification, and further prevent identity theft; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI:

S. 1409. A bill to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. JEFFORDS, Mrs. CLINTON, Mr. LAUTENBERG, Mr. VOINOVICH, and Mr. CRAPO):

S. 1410. A bill to reauthorize the Neotropical Migratory Bird Conservation Act, and for other purposes; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. KYL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 7, a bill to increase American jobs and economic growth by making permanent the individual income tax rate reductions, the reduction in the capital gains and dividend tax rates, and the repeal of the estate, gift, and generation-skipping transfer taxes.

S. 21

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 21, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

At the request of Mrs. HUTCHISON, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 37, supra.

S. 45

At the request of Mr. LEVIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 45, a bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.

S. 58

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 58, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 313

At the request of Mr. LUGAR, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 481

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 481, a bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release.

S. 611

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 611, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

S. 614

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 614, a bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes.

S. 642

At the request of Mr. FRIST, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 662

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 662, a bill to reform the postal laws of the United States.

S. 666

At the request of Mr. DEWINE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 669

At the request of Mr. SMITH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 669, a bill to amend the Internal Revenue Code of 1986 to treat natural gas distribution lines as 15-year property for purposes of depreciation.

S. 691

At the request of Mr. DOMENICI, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 691, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 695

At the request of Mr. BYRD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 861

At the request of Mr. ISAKSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 861, a bill to amend the Internal Revenue Code of 1986 to provide transition funding rules for certain plans electing to cease future benefit accruals, and for other purposes.

S. 863

At the request of Mr. CONRAD, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 960

At the request of Mr. ENZI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 960, a bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts.

S. 1010

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1010, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1014

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1014, a bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1047

At the request of Mr. SUNUNU, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Missouri (Mr. TALENT) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively, to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1057

At the request of Mr. DORGAN, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1057, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 1063

At the request of Mr. NELSON of Florida, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1063, a bill to promote and enhance public safety and to encourage the rapid deployment of IP-enabled voice services.

S. 1081

At the request of Mr. KYL, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1103

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 1120

At the request of Mr. DURBIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Ms. STABENOW), the Senator from Colorado (Mr. SALAZAR) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1180

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1180, a bill to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes.

S. 1317

At the request of Mr. DODD, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1317, supra.

S. 1353

At the request of Mr. REID, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1386

At the request of Mr. MARTINEZ, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1386, a bill to exclude from consideration as income certain payments under the national flood insurance program.

S. CON. RES. 8

At the request of Mr. SARBANES, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the pay of members of the uniformed services and the adjustments in the pay of civilian employees of the United States.

S. CON. RES. 26

At the request of Mr. CONRAD, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Washington (Ms. CANTWELL), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Minnesota (Mr. DAYTON), the Senator from Nebraska (Mr. HAGEL), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Florida (Mr. MARTINEZ), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Nebraska (Mr. NELSON), the Senator from Nevada (Mr. REID), the Senator from Louisiana (Mr. VITTER), the Senator from Kansas (Mr. BROWNBACK), the Senator from Ohio (Mr. DEWINE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Wisconsin (Mr. KOHL), the Senator from Missouri (Mr. TALENT), the Senator from Florida (Mr. NELSON), the Senator from North Carolina (Mr. BURR), the Senator from South Dakota (Mr. THUNE), the Senator from Oregon (Mr. WYDEN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. Con. Res. 26, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

AMENDMENT NO. 1075

At the request of Mr. VOINOVICH, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 1075 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1111

At the request of Mr. DORGAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 1111 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1124

At the request of Mr. ENSIGN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 1124 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1129

At the request of Mr. CONRAD, his name was added as a cosponsor of amendment No. 1129 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1137

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 1137 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1140

At the request of Mr. SESSIONS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of

amendment No. 1140 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1144

At the request of Mr. MARTINEZ, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 1144 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1158

At the request of Mr. FEINGOLD, his name was added as a cosponsor of amendment No. 1158 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1171

At the request of Mr. MCCAIN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 1171 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1200

At the request of Mr. BYRD, the names of the Senator from Virginia (Mr. WARNER), the Senator from Maine (Ms. COLLINS), the Senator from Washington (Mrs. MURRAY), the Senator from Michigan (Ms. STABENOW), the Senator from Maryland (Mr. SARBANES), the Senator from Michigan (Mr. LEVIN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 1200 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1206

At the request of Mr. SARBANES, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 1206 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1216

At the request of Mrs. BOXER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 1216 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1217

At the request of Ms. STABENOW, the names of the Senator from Arizona (Mr. KYL), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1217 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1218

At the request of Mr. BYRD, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 1218 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN (for himself and Mr. SANTORUM):

S. 1396. A bill to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLEN. Mr. President, I am pleased to join with my distinguished colleague, Senator SANTORUM, in introducing the Increased Capital Access for Growing Businesses Act. The legislation would help many small businesses address the challenge of accessing capital as they look to grow, develop and create more jobs.

I would like to share with colleagues in the Senate why this legislation is necessary and desirable to update our securities laws for entrepreneurial small business owners. In 1980, Congress passed legislation, the Small Business Investment Incentive Act, which authorized business development companies, or BDCs, to provide financing to small, developing or financially troubled companies. Congress recognized the importance of small businesses to the U.S. economy and that such businesses may have a more difficult time obtaining needed capital to grow and develop.

BDCs are publicly traded companies that are required to have 70 percent of their assets invested in eligible assets, or eligible portfolio companies, which are generally to be securities of small developing or financially troubled businesses. In 1980, the definition of a small company for the purposes of a BDC's 70 percent of asset category was tied to the Federal Reserve's rules defining marginable securities. At the time, about two-thirds or 8,000 publicly traded companies were not marginable and were therefore eligible investments for BDCs.

However, there was an unintended consequence of tying the definition of small company to those issuers that do not have marginable securities—the margin rules have been changed several times, which significantly reduced the number of public companies in which BDCs could invest. This was obviously not the original intent of Congress, but the practical impact was that many small, public companies became ineligible to receive BDC financing, even if they could not receive more traditional sources of financing.

Recently, the disqualification of any private company that had issued any debt security has significantly narrowed even further the number of companies that qualify as eligible portfolio companies. Thus, for the first time many companies with no access to the public equity markets cannot access capital through a BDC. These companies are either denied capital access altogether, or are forced to turn to various unregulated sources to meet capital needs. This situation is unfair to the shareholders of BDCs, and unfair to the shareholders of businesses that could grow if only offered capital access opportunities.

That is why this legislation is so important. It will allow more small private and public companies to receive BDC financing and restore the original intent of Congress.

Specifically, the legislation would use a market capitalization standard of $250 million or less to define what is an eligible portfolio company for BDCs. The $250 million market capitalization level approximates the number of public companies that Congress originally intended to qualify as eligible BDC assets. I would note that it is also much lower than the market capitalization levels of small cap indexes, such as the S&P SmallCap 600, which uses a market cap of $300 million to $1 billion for a definition of a small company.

This legislation adds no costs or risks to the government or taxpayers. It will simply correct the unintended consequences of current rules and update the securities laws to allow more small businesses to access capital. This will in turn encourage small business growth, job creation and economic expansion.

That is why, earlier this year the House of Representatives unanimously passed similar legislation to modernize U.S. securities laws and allow more small businesses to be eligible for such financing.

I urge my colleagues in the Senate to join me in supporting this commonsense legislation for small businesses in America.

By Mr. LIEBERMAN (for himself, Mrs. CLINTON, Mr. NELSON of Florida, Mr. REED, and Mr. SALAZAR):

S. 1397. A bill to amend title 10, United States Code, to provide for an increase in the minimum end-strength level for active duty personnel for the United States Army, and for other purposes; to the Committee on Armed Services.

Mr. LIEBERMAN. 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. 1397

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 ''United States Army Relief Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The 2004 National Military Strategy of the United States assigns the Army the task of operating with the other Armed Forces to provide for homeland defense, deter aggression forward from and in four different regions around the world, conduct military operations in two overlapping but geographically disparate major campaigns, and win decisively in one of those campaigns before shifting focus to the next one.

(2) The Chairman of the Joint Chiefs of Staff, General Richard Myers, has directed that the Army must be able to ''win decisively'' in one theater, even when it is committed to a number of other contingencies.

(3) While Congress lauds the current efforts by the Administration to reduce demands upon ground forces by continuing to pursue the transformation of the United States military as a whole, the recent experiences of the Army in Iraq serve to underscore the fact that there is, as of yet, no substitute for having sufficient troops to conduct personnel-intensive post-conflict missions.

(4) The current force requirements posed by the ongoing operations in Iraq, Afghanistan, and elsewhere as part of the Global War on Terror are unsustainable for the long term and undermine the ability of the United States military to successfully execute the National Military Strategy.

(5) Although the burden may be a heavy one, we as a nation and as a people must not, will not, shy away from our engagement in world affairs to defend our interests and to defend those who are themselves defenseless.

(6) Our engagement in Afghanistan, Iraq, and the greater Middle East is, as Secretary of State Condoleezza Rice stated, a ''generational'' one.

(7) Although our commitments in this region—and around the world—are vital, the Army has been ''overused'' according to the Chief of the United States Army Reserve.

(8) The Army currently has approximately 499,000 active duty troops, and these are backed up by nearly 700,000 members of the Army National Guard and the Army Reserve.

(9) This number is a third less than the force level on hand when the first Persian Gulf War was fought in 1991.

(10) Approximately 150,000 of these troops are in Iraq. Nearly 10,000 troops are in Afghanistan. 1,700 serve in Kosovo. 37,000 serve on the Korean peninsula.

(11) As of 2005 the relationship between the total number of troops and the number of operationally deployed troops has resulted, as the commanding general of the 18th Corps of the Army at Fort Bragg remarked in 2004, in an active-duty force that is ''stretched extraordinarily thin.''

(12) A former Army Deputy Chief of Staff has stated that in light of the growing operational demands upon it in the strategic environment after September 11, 2001, that the Army ''is too small to do its current missions''.

(13) That former Army Deputy Chief of Staff further stated that the current size of the Army, coupled with the current demands upon it, has resulted in a loss of ''the resiliency to provide either strategic balance—what you need if some other thing flares up—or to be able to give a respite as the troops rotate back from overseas areas where they've been in combat.''

(14) In its attempts to fulfill its missions with too few troops, the Army has risked ''damaging'' the force significantly or ''even breaking it in the next five years'', according to a division commander during Operation Desert Storm.

(15) In a December 2004 letter to the Chief of Staff, United States Army, the Chief of the United States Army Reserve wrote that ''the current demands'' of operations in the Middle East were ''spreading the Reserve force too thin'' and that his command ''was in grave danger'' of being unable to meet other missions abroad or domestically, and that the Army Reserve was ''rapidly degenerating into a 'broken force' ''.

(16) The letter referred to in paragraph (15) was intended, the Chief of the United States Army Reserve wrote, not ''to sound alarmist . . . [but] . . . to send a clear, distinctive, signal of deepening concern'' to his superiors.

(17) In addition to hampering the ability of the Army to successfully complete the missions assigned to it, this ''overuse'' has significant consequences for domestic homeland security operations.

(18) A disproportionate number of Federal, State, and local first responders are also members of the National Guard or Reserve.

(19) At a time of strain for large municipalities struggling to secure their infrastructure against the threat of terrorism, the drain on available personnel as well as budgets is unacceptable.

(20) An increase of the end-strength of the Army is in the best interests of the people of the United States and their interests abroad, and is consistent with the duties and obligations of Congress as set forth in the Constitution.

(21) An increase of 100,000 troops over the permanently authorized level for the Army for fiscal year 2004 of 482,000 troops will provide a long-term, lasting solution to the current operational constraints and future mission requirements of the Army.

(22) Progress was made toward that solution when Congress authorized an increase of 20,000 troops in the end-strength of the Army for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375).

(23) An increase in the permanent authorized end-strength for the Army of 80,000 troops is required to meet the 100,000-troop increase level that will provide a lasting, long-term solution to personnel problems currently being experienced by the Army.

(24) This number will equip the Army with sufficient personnel so that it may not only engage in a stabilization operation like Iraq, but so that it may do so while maintaining optimal troop rotation schedules.

(25) This conclusion is supported by the November 2003 testimony of the Director of the Congressional Budget Office, Douglas Holtz-Eakin, before the Committee on Armed Services of the House of Representatives.

SEC. 3. INCREASE IN END-STRENGTH FOR THE ARMY.

Section 691 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) Notwithstanding subsection (b)(1), the authorization for the number of members of the Army at the end of each fiscal year as follows shall be not less than the number specified for such fiscal year:

''(1) Fiscal year 2006, 522,400.

''(2) Fiscal year 2007, 542,400.

''(3) Fiscal year 2008, 562,400.

''(4) Fiscal year 2009, 582,400.

''(5) Any fiscal year after fiscal year 2009, 582,400.''.

By Mr. FEINGOLD:

S. 1398. A bill to provide more rigorous requirements with respect to ethics and lobbying; to the Committee on Homeland Security and Government Affairs.

TITLE I—ENHANCING LOBBYING DISCLOSURE

Section 101: Requires lobbying disclosure reports to be filed quarterly rather than semiannually and adjusts monetary thresholds accordingly.

Section 102: Requires lobbying disclosure reports to be filed in electronic form.

Section 103: Directs the Secretary of the Senate and the Clerk of the House of Representatives to create a searchable, sortable, and downloadable public database that contains the information disclosed in lobbying disclosure reports.

Section 104: Requires registered lobbyists to provide, in the section of their quarterly reports in which the issues or bills on which they lobbied are listed, the names of all senior executive branch officials and Members of Congress who they communicated with orally and the dates on which such communications occurred.

Section 105: Mandates that registered lobbyists must disclose all past executive and congressional employment, not just such employment during the two years prior to making a lobbying contact.

Section 106: Requires lobbyists to disclose in their quarterly reports how much they spent on grassroots lobbying efforts.

Section 107: Provides more transparency for lobbying coalitions, by requiring such organizations to disclose those individuals or entities whose total contribution to the association in connection with lobbying activities exceeds $10,000. Certain tax-exempt associations are not covered by this new requirement.

Section 108: Doubles the penalty for failing to comply with lobbying disclosure requirements from $50,000 to $100,000.

TITLE II—SLOWING THE REVOLVING DOOR

Section 201: Amends 18 U.S.C. §207, the section of the criminal code that provides restrictions on lobbying by former executive and legislative branch employees, to establish the following restrictions:

1. Senior executive employees, those paid at 86.5 percent of level II of the Executive Schedule are prohibited from making communications or appearances with the intent to influence any employee of their former agencies for two years. The current ''cooling off period'' is one year.

2. Very senior executive employees, the Vice President and those paid at level I of the Executive Schedule, such as cabinet officers and heads of agencies, are prohibited from engaging in ''lobbying activities,'' as defined in section 3, subsection 7 of the Lobbying Disclosure Act of 1995, for a two-year period; with respect to their former agency or to any employee currently paid under the Executive Schedule. Under the LDA, lobbying activities include not only direct lobbying contacts, but activities such as providing advice, strategy, or preparation in connection with such contacts.

3. Members of Congress are prohibited from engaging in lobbying activities relating to either House of Congress for two years. This will prevent a former member from directing or managing a lobbying campaign while avoiding personal lobbying contacts.

4. Senior congressional staff, those making 75 percent of a Member's salary, are prohibited from making appearances or communications with the intent to influence any employee of the House of Congress that formerly employed them for two years. Current law prohibits contacts with the former employing office or committee for only one year.

Section 202: Requires the establishment of uniform regulations regarding the standards

by which waivers on seeking employment by executive branch officials are granted and requires the Executive branch to publish waivers that have been granted within three business days.

Section 203: Requires Members to publicly disclose within three days any negotiations with prospective employers in which a conflict of interest or the appearance of a conflict of interest exists.

Section 204: Establishes stiffer penalties for an employee of either House of Congress who uses his or her official capacity to influence an employment decision or practice of any private or public entity, except for the Congress itself.

Section 205: Reaffirms that any employee of either House may not take official action on the basis of a prospect for personal gain.

Section 206: Eliminates any benefits or privileges generally granted by the House or Senate to former Members, such as gym membership or floor privileges, for those former Members who are registered lobbyists.

TITLE III—CURBING EXCESSES IN PRIVATELY FUNDED TRAVEL AND LOBBYIST GIFTS

Section 301: Amends the ethics rules to require all congressional employees to obtain a certification from any party that pays for transportation or lodging permitted by the gift rules that the trip was not planned, organized, arranged, or financed by a registered lobbyist and that no registered lobbyists will participate in or attend the trip

Section 302: Amends the gift rule to require Senators and staff to publicly disclose information on any flight on a corporate jet and requires Senators to reimburse the owner of a corporate jet at the charter rate, instead of first class airfare as is currently permitted. Also requires campaigns to pay for the use of corporate jets at the charter rate. Current FEC regulations allow campaigns to pay first class airfare if the flight is between cities where commercial service is available.

Section 303: Establishes maximum civil fines of $100,000, $300,000, and $500,000 for the first, second, and third false travel certifications, respectively

Section 304: Amends the ethics rules to require Members to provide more detailed descriptions of all meetings, tours, events, and outings during travel paid for by private entities under the gift rules.

Section 305: Directs House and Senate Ethics Committees to develop and revise guidelines on what constitute ''reasonable expenses'' or ''reasonable expenditures'' during privately funded travel.

Section 306: Prohibits registered lobbyists from giving gifts to Members of Congress or congressional employees. Exceptions are provided for gifts from relatives and personal friends, campaign contributions, informational materials, and items of nominal value.

Section 307: Amends the House and Senate ethics rules to prohibit Members from accepting gifts from registered lobbyists not permitted by Section 306.

TITLE IV—OVERSIGHT OF ETHICS AND LOBBYING

Section 401: Requires the Comptroller General to review the effectiveness of lobbying oversight and to issue semiannual reports on the topic.

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

S. 1398

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 ''Lobbying and Ethics Reform Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—ENHANCING LOBBYING DISCLOSURE

SEC. 101. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) by striking ''Semiannual'' and inserting ''Quarterly'';

(B) by striking ''the semiannual period'' and all that follows through ''July of each year'' and insert ''the quarterly period beginning on the first days of January, April, July, and October of each year''; and

(C) by striking ''such semiannual period'' and insert ''such quarterly period''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''semiannual report'' and inserting ''quarterly report'';

(B) in paragraph (2), by striking ''semiannual filing period'' and inserting ''quarterly period'';

(C) in paragraph (3), by striking ''semiannual period'' and inserting ''quarterly period''; and

(D) in paragraph (4), by striking ''semiannual filing period'' and inserting ''quarterly period''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3 of such Act (2 U.S.C. 1602) is amended in paragraph (10) by striking ''six month period'' and inserting ''three-month period''.

(2) REGISTRATION.—Section 4 of such Act (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''.

(3) ENFORCEMENT.—Section 6 of such Act (2 U.S.C. 1605) is amended in paragraph (6) by striking ''semiannual period'' and inserting ''quarterly period''.

(4) ESTIMATES.—Section 15 of such Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(1), by striking ''semiannual period'' and inserting ''quarterly period''.

(5) DOLLAR AMOUNTS.—

(A) Section 4 of such Act (2 U.S.C. 1603) is further amended—

(i) in subsection (a)(3)(A)(i), by striking ''$5,000'' and inserting ''$2,500'';

(ii) in subsection (a)(3)(A)(ii), by striking ''$20,000'' and inserting ''$10,000'';

(iii) in subsection (b)(3)(A), by striking ''$10,000'' and inserting ''$5,000''; and

(iv) in subsection (b)(4), by striking ''$10,000'' and inserting ''$5,000''.

(B) Section 5 of such Act (2 U.S.C. 1604) is further amended—

(i) in subsection (c)(1), by striking ''$10,000'' and ''$20,000'' and inserting ''$5,000'' and ''$10,000'', respectively; and

(ii) in subsection (c)(2), by striking ''$10,000'' both places such term appears and inserting ''$5,000''.

SEC. 102. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is further amended by adding at the end the following new subsection:

''(d) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Secretary of the Senate or the Clerk of the House of Representatives.''.

SEC. 103. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is further amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(9) maintain, and make available to the public over the Internet, without a fee or

other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

''(A) includes the information contained in registrations and reports filed under this Act;

''(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 4(b) or 5(b).''.

(b) AVAILABILITY OF REPORTS.—Section 6 of such Act is further amended in paragraph (4) by inserting before the semicolon at the end the following: ''and, in the case of a report filed in electronic form pursuant to section 5(d), shall make such report available for public inspection over the Internet not more than 48 hours after the report is so filed''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6 of such Act, as added by subsection (a).

SEC. 104. IDENTIFICATION OF OFFICIALS WITH WHOM LOBBYING CONTACTS ARE MADE.

Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is further amended in subsection (b)(2)—

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph:

''(B) for each specific issue listed pursuant to subparagraph (A), a list identifying each covered executive branch official and each Member of Congress with whom a lobbyist employed by the registrant engaged in a lobbying contact through oral communication with respect to that issue and the date on which each such contact occurred.''.

SEC. 105. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is further amended in subsection (b)(6) by striking ''or a covered legislative branch official'' and all that follows through ''as a lobbyist on behalf of the client,'' and inserting ''or a covered legislative branch official,''.

SEC. 106. DISCLOSURE OF GRASSROOTS ACTIVITIES BY PAID LOBBYISTS.

(a) DISCLOSURE OF GRASSROOTS ACTIVITIES.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is further amended by adding at the end the following new paragraph:

''(17) GRASSROOTS LOBBYING COMMUNICATION.—The term 'grassroots lobbying communication' means an attempt to influence legislation or executive action through the use of mass communications directed to the general public and designed to encourage recipients to take specific action with respect to legislation or executive action, except that such term does not include any communications by an entity directed to its members, employees, officers, or shareholders. For purposes of this paragraph, a communication is designed to encourage a recipient if any of the following applies:

''(A) The communication states that the recipient should contact a legislator, or should contact an officer or employee of an executive agency.

''(B) The communication provides the address, phone number, and contact information of a legislator or of an officer or employee of an executive agency.

''(C) The communication provides a petition, tear-off postcard, or similar material for the recipient to send to a legislator or to an officer or employee of an executive agency.

''(D)(i) Subject to clause (ii), the communication specifically identifies an individual who—

''(I) is in a position to consider or vote on the legislation;

''(II) represents the recipient in Congress; or

''(III) is an officer or employee of the executive agency to which the legislation or executive action relates.

''(ii) A communication described in clause (i) is a grassroots lobbying communication only if it is a communication that cannot meet the 'full and fair exposition' test as nonpartisan analysis, study, or research.''.

(b) SEPARATE ITEMIZATION OF GRASSROOTS EXPENSES.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is further amended in subsection (b)—

(1) in paragraph (3), by inserting after ''total amount of all income'' the following: ''(including an itemization of the total amount relating specifically to grassroots lobbying communications and, within that amount, an itemization of the total amount specifically relating to broadcast media grassroots lobbying communications)''; and

(2) in paragraph (4), by inserting after ''total expenses'' the following: ''(including an itemization of the total amount relating specifically to grassroots lobbying communications and, within that total amount, an itemization of the total amount specifically relating to broadcast media grassroots lobbying communications)''.

SEC. 107. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) IN GENERAL.—Paragraph (2) of section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended to read as follows:

''(2) CLIENT.—

''(A) IN GENERAL.—The term 'client' means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees.

''(B) TREATMENT OF COALITIONS AND ASSOCIATIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), in the case of a coalition or association that employs or retains persons to conduct lobbying activities, each person, other than an individual who is a member of the coalition or association, whose total contribution to the coalition or association in connection with the lobbying activities exceeds the $10,000 registration threshold described in section 4(a)(3)(A)(ii) of this Act, is the client along with the coalition or association.

''(ii) EXCEPTION FOR CERTAIN TAX-EXEMPT ASSOCIATIONS.—In case of an association—

''(I) which is described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, or

''(II) which is described in any other paragraph of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which has substantial exempt activities other than lobbying,

the association (and not its members) shall be treated as the client.

''(iii) LOOK-THRU RULES.—A coalition or association and its members, which would otherwise be treated as a client, shall not avoid the registration and reporting requirements of this Act by employing or retaining another coalition or association to conduct lobbying activities.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to—

(A) coalitions and associations listed on registration statements filed under section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) after the date of the enactment of this Act, and

(B) coalitions and associations for whom any lobbying contact is made after the date of the enactment of this Act.

(2) SPECIAL RULE.—In the case of any coalition or association to which the amendments made by this Act apply by reason of paragraph (1)(B), the person required by such section 4 to file a registration statement with respect to such coalition or association shall file a new registration statement within 30 days after the date of the enactment of this Act.

SEC. 108. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended by striking ''$50,000'' and inserting ''$100,000''.

TITLE II—SLOWING THE REVOLVING DOOR

SEC. 201. AMENDMENTS TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES.

(a) VERY SENIOR EXECUTIVE PERSONNEL.—

(1) IN GENERAL.—The matter after subparagraph (C) in section 207(d)(1) of title 18, United States Code, is amended to read as follows:

''and who, within 2 years after the termination of that person's service in that position, engages in lobbying activities directed at any person described in paragraph (2), on behalf of any other person (except the United States), shall be punished as provided in section 216 of this title.''.

(2) CONFORMING AMENDMENT.—The first sentence of section 207(h)(1) of title 18, United States Code, is amended by inserting after ''subsection (c)'' the following: ''and subsection (d)''.

(b) SENIOR EXECUTIVE PERSONNEL.—Section 207(c)(1) of title 18, United States Code, is amended by striking ''within 1 year after'' and inserting ''within 2 years after''.

(c) FORMER MEMBERS OF CONGRESS AND OFFICERS AND EMPLOYEES OF THE LEGISLATIVE BRANCH.—

(1) IN GENERAL.—Section 207(e) of title 18, United States Code, is amended—

(A) by striking paragraphs (1), (2), (3), and (4) and inserting the following:

''(1) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying activities on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.

''(2) CONGRESSIONAL EMPLOYEES.—

''(A) IN GENERAL.—Any person who is an employee of the Senate or an employee of the House of Representatives, who, for at least 60 days, in the aggregate, during the 1-year period before the termination of employment of that person with the Senate or House of Representatives, was paid a rate of basic pay equal to or greater than an amount which is 75 percent of the basic rate of pay payable for a Member of the House of Congress in which such employee was employed,

within 2 years after termination of such employment, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

''(B) PERSONS REFERRED TO.—The persons referred to under subparagraph (A) with respect to appearances or communications by a former employee are any Member, officer, or employee of the House of Congress in which such former employee served.''; and

(B) in paragraph (6)—

(i) in subparagraph (A), by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraph (2)''; and

(ii) in subparagraph (B), by striking ''paragraph (5)'' and inserting ''paragraph (3)'';

(C) in paragraph (7)(G), by striking '', (2), (3), or (4)'' and inserting ''or (2)''; and

(D) by redesignating paragraphs (5), (6), and (7) as paragraphs (3), (4), and (5), respectively.

(2) DEFINITION.—Section 207(i) of title 18, United States Code, is amended—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) the term 'lobbying activities' has the same meaning given such term in section 3(7) of the Lobbying Disclosure Act (2 U.S.C. 1602(7)).''.

SEC. 202. REFORM OF WAIVER PROCESS FOR ACTS AFFECTING A PERSONAL FINANCIAL INTEREST.

Section 208 of title 18, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by inserting after ''the Government official responsible for appointment to his or her position'' the following: ''and the Office of Government Ethics''; and

(B) by striking ''a written determination made by such official'' and inserting ''a written determination made by the Office of Government Ethics, after consultation with such official,''; and

(2) in subsection (b)(3), by striking ''the official responsible for the employee's appointment, after review of'' and inserting ''the Office of Government Ethics, after consultation with the official responsible for the employee's appointment and after review of''; and

(3) in subsection (d)(1)—

(A) by striking ''Upon request'' and all that follows through ''Ethics in Government Act of 1978.'' and inserting ''In each case in which the Office of Government Ethics makes a determination granting an exemption under subsection (b)(1) or (b)(3) to a person, the Office shall, not later than 3 business days after making such determination, make available to the public pursuant to the procedures set forth in section 105 of the Ethics in Government Act of 1978, and publish in the Federal Register, such determination and the materials submitted by such person in requesting such exemption.''; and

(B) by striking ''the agency may withhold'' and inserting ''the Office of Government Ethics may withhold''.

SEC. 203. PUBLIC DISCLOSURE BY MEMBERS OF CONGRESS OF EMPLOYMENT NEGOTIATIONS.

(a) HOUSE OF REPRESENTATIVES.—The Code of Official Conduct set forth in rule XXIII of the Rules of the House of Representatives is amended by redesignating clause 14 as clause 15 and by inserting after clause 13 the following new clause:

''14. A Member, Delegate, or Resident Commissioner shall publicly disclose the fact that he or she is negotiating or has any arrangement concerning prospective employment if a conflict of interest or the appearance of a conflict of interest may exist. Such disclosure shall be made within 3 days after the commencement of such negotiation or arrangement.''.

(b) SENATE.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''13. A Member, or former employee of Congress who, for at least 60 days, in the aggregate, during the 1-year period before the former employer's service as such employee terminated, was paid a rate of basic pay equal to or greater than an amount which is 75 percent of the basic rate of pay payable for a Member of the House of Congress in which such employee was employed, shall publicly disclose the fact that he or she is negotiating or has any arrangement concerning prospective employment if a conflict of interest or the appearance of a conflict of interest may exist. Such disclosure shall be made within 3 days after the commencement of such negotiation or arrangement.''.

SEC. 204. WRONGFULLY INFLUENCING, ON A PARTISAN BASIS, AN ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of political party affiliation an employment decision or employment practice of any private or public entity (except for the Congress)—

(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

(2) influences, or offers or threatens to influence, the official act of another,

shall be fined under title 18, United States Code, or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

SEC. 205. AMENDMENT TO CODE OF OFFICIAL CONDUCT TO PROHIBIT FAVORITISM.

(a) HOUSE OF REPRESENTATIVES.—Rule XXIII of the Rules of the House of Representatives (known as the Code of Official Conduct) is amended by redesignating clause 14 as clause 15 and by inserting after clause 13 the following new clause:

''14. A Member, Delegate, Resident Commissioner, officer, or employee of the House may not take or withhold, or threaten to take or withhold, any official action on the basis of partisan affiliation (except as permitted by clause 9) or the campaign contributions or support of any person or the prospect of personal gain either for oneself or any other person.''.

(b) SENATE.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''14. A Member, officer, or employee may not take or withhold, or threaten to take or withhold, any official action on the basis of partisan affiliation or the campaign contributions or support of any person or the prospect of personal gain either for oneself or any other person.''.

SEC. 206. ELIMINATION OF FLOOR PRIVILEGES AND OTHER PERKS FOR FORMER MEMBER LOBBYISTS.

Notwithstanding any other rule of the House of Representatives or Senate, any benefit or privilege granted by the House of Representatives or the Senate to all former Members of that body, including floor privileges, may not be received or exercised by a former Member who is a registered lobbyist.

TITLE III—CURBING EXCESSES IN PRIVATELY FUNDED TRAVEL AND LOBBYIST GIFTS

SEC. 301. REQUIRED CERTIFICATION THAT CONGRESSIONAL TRAVEL MEETS CERTAIN CONDITIONS.

(a) HOUSE OF REPRESENTATIVES.—Clause 5 of rule XXV of the Rules of the House of Representatives is amended by redesignating paragraphs (e) and (f) as paragraphs (f) and (g), respectively, and by inserting after paragraph (d) the following new paragraph:

''(e)(1) Except as provided by subparagraph (2), before a Member, Delegate, Resident Commissioner, officer, or employee of the House may accept a gift of transportation or lodging otherwise permissible under this clause from any person, such Member, Delegate, Resident Commissioner, officer, or employee of the House, as applicable, shall obtain a written certification from such person (and provide a copy of such certification to the Clerk) that—

''(A) the trip was not planned, organized, arranged, or financed by a registered lobbyist or foreign agent and was not organized at the request of a registered lobbyist or foreign agent; and

''(B) the person did not accept, from any source, funds specifically earmarked for the purpose of financing the travel expenses.

The Clerk shall make public information received under this subparagraph as soon as possible after it is received.

''(2) A Member, Delegate, or Resident Commissioner is not required to obtain a written certification for a gift or transportation or lodging described in subdivision (A), (B), (C), (D), (F), or (G) of paragraph (a)(1).''.

(b) SENATE.—Paragraph 1 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(g) Before a Member, officer, or employee may accept a gift of transportation or lodging otherwise permissible under this rule from any person, such Member, officer, or employee shall obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that—

''(1) the trip was not planned, organized, arranged, or financed by a registered lobbyist or foreign agent and was not organized at the request of a registered lobbyist or foreign agent;

''(2) registered lobbyists will not participate in or attend the trip; and

''(3) the person did not accept, from any source, funds specifically earmarked for the purpose of financing the travel expenses.

The Select Committee on Ethics shall make public information received under this subparagraph as soon as possible after it is received.''.

SEC. 302. REQUIREMENT OF FULL PAYMENT AND DISCLOSURE OF CHARTER FLIGHTS.

(a) HOUSE OF REPRESENTATIVES.—To be provided.

(b) SENATE.—

(1) IN GENERAL.—Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by—

(A) inserting ''(A)'' after ''(1)''; and

(B) adding at the end the following:

''(B) Market value for a jet flight on an airplane that is not licensed by the Federal Aviation Administration to operate for compensation or hire shall be the fair market value of a charter flight. The Select Committee on Ethics shall make public information received under this subparagraph as soon as possible after it is received.''.

(2) DISCLOSURE.—Paragraph 1 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(h) A Member, officer, or employee who takes a flight described in subparagraph

(c)(1)(B) shall, with respect to the flight, cause to be published in the Congressional Record within 10 days after the flight—

''(1) the date of the flight;

''(2) the destination of the flight;

''(3) who else was on the flight, other than those operating the plane;

''(4) the purpose of the trip; and

''(5) the reason that a commercial airline was not used.''.

(c) CANDIDATES.—Subparagraph (B) of section 301(8) of the Federal Election Campaign Act of 1971 (42 U.S.C. 431(8)(B)) is amended by striking ''and'' at the end of clause (xiii), by striking the period at the end of clause (xiv) and inserting ''; and'', and by adding at the end the following new clause:

''(xv) any travel expense for a flight on an airplane that is not licensed by the Federal Aviation Administration to operate for compensation or hire, but only if the candidate or the candidate's authorized committee or other political committee pays within 7 days after the date of the flight to the owner, lessee, or other person who provides the use of the airplane an amount not less than the normal and usual charter fare or rental charge for a comparable commercial airplane of appropriate size.''.

SEC. 303. FALSE CERTIFICATION IN CONNECTION WITH CONGRESSIONAL TRAVEL.

(a) IN GENERAL.—Whoever makes a false certification in connection with the travel of a Member, officer, or employee of either House of Congress (within the meaning given those terms in section 207 of title 18, United States Code) shall, upon proof of such offense by a preponderance of the evidence, be subject to a civil fine depending on the extent and gravity of the violation.

(b) MAXIMUM FINE.—The maximum fine per offense under this section depends on the number of separate trips in connection with which the person committed an offense under this section, as follows:

(1) FIRST TRIP.—For each offense committed in connection with the first such trip, the amount of the fine shall be not more than $100,000 per offense.

(2) SECOND TRIP.—For each offense committed in connection with the second such trip, the amount of the fine shall be not more than $300,000 per offense.

(3) ANY OTHER TRIPS.—For each offense committed in connection with any such trip after the second, the amount of the fine shall be not more than $500,000 per offense.

SEC. 304. INCREASED DISCLOSURE OF TRAVEL BY MEMBERS.

(a) HOUSE OF REPRESENTATIVES.—Clause 5(b)(1)(A)(ii) of rule XXV of the Rules of the House of Representatives is amended by—

(1) inserting ''a detailed description of each of'' before ''the expenses''; and

(2) inserting '', including a description of all meetings, tours, events, and outings during such travel'' before the period at the end thereof.

(b) SENATE.—Paragraph 2(c) of rule XXXV of the Standing Rules of the Senate is amended—

(1) in subclause (5), by striking ''and'' after the semicolon;

(2) by redesignating subclause (6) as subclause (7); and

(3) by adding after subclause (5) the following:

''(6) a detailed description of all meetings, tours, events, and outings during such travel; and''.

SEC. 305. GUIDELINES RESPECTING TRAVEL EXPENSES.

(a) HOUSE OF REPRESENTATIVES.—Clause 5(f) of rule XXV of the Rules of the House of Representatives is amended by inserting ''(1)'' after ''(f)'' and by adding at the end the following new subparagraph:

''(2) Within 90 days after the date of adoption of this subparagraph and at annual intervals thereafter, the Committee on Standards of official Conduct shall develop and revise, as necessary, guidelines on what constitutes 'reasonable expenses' or 'reasonable expenditures' for purposes of paragraph (b)(4). In developing and revising the guidelines, the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.''.

(b) SENATE.—Rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(7) Not later than 90 days after the date of adoption of this paragraph and at annual intervals thereafter, the Select Committee on Ethics shall develop and revise, as necessary, guidelines on what constitutes 'reasonable expenses' or 'reasonable expenditures' for purposes of this rule. In developing and revising the guidelines, the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.''.

SEC. 306. PROHIBITION ON GIFTS BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

(a) PROHIBITION.—

(1) IN GENERAL.—A registered lobbyist may not knowingly make a gift to a Member, Delegate, Resident Commissioner, officer, or employee of Congress except as provided in this section.

(2) GIFT DEFINED.—In this section, the term ''gift'' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

(3) REGISTERED LOBBYIST DEFINED.—In this section, the term ''registered lobbyist'' means—

(A) a lobbyist registered under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.);

(B) a lobbyist who, as an employee of an organization, is covered by the registration of that organization under that Act; and

(C) an organization registered under that Act.

(4) GIFTS TO FAMILY MEMBERS AND OTHER INDIVIDUALS.—For the purposes of this section, a gift to a family member of a Member, Delegate, Resident Commissioner, officer, or employee of Congress, or a gift to any other individual based on that individual's relationship with the Member, Delegate, Resident Commissioner, officer, or employee, shall be considered a gift to the Member, Delegate, Resident Commissioner, officer, or employee if the gift was given because of the official position of the Member, Delegate, Resident Commissioner, officer, or employee.

(5) EXCEPTIONS.—The restrictions in paragraph (1) do not apply to the following:

(A) CERTAIN LAWFUL POLITICAL FUNDRAISING ACTIVITIES.—A contribution, as defined in section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) that is lawfully made under that Act, a lawful contribution for election to a State or local government office, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(B) GIFT FROM A RELATIVE.—A gift from a relative as described in section 109(16) of title I of the Ethics in Government Act of 1978 (2 U.S.C. App. 109(16)).

(C) EMPLOYEE BENEFITS.—Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(D) INFORMATIONAL MATERIALS.—Informational materials that are sent to the office of the Member, Delegate, Resident Commissioner, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

(E) ITEMS OF NOMINAL VALUE.—An item of nominal value such as a greeting card, baseball cap, or a T-shirt.

(F) PERSONAL FRIENDSHIP.—

(i) IN GENERAL.—Anything provided by an individual on the basis of a personal friendship unless the gift was given because of the official position of the Member, Delegate, Resident Commissioner, officer, or employee.

(ii) CIRCUMSTANCES.—In determining whether a gift is provided on the basis of personal friendship, the following shall be considered:

(I) The history of the relationship between the Member, Delegate, Resident Commissioner, officer, or employer and the individual giving the gift, including any previous exchange of gifts between them.

(II) Whether the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

(III) Whether the individual who gave the gift also gave the same or similar gifts to other Members, Delegates, the Resident Commissioners, officers, or employees of Congress.

(G) CERTAIN OUTSIDE BUSINESS OR EMPLOYMENT ACTIVITIES PROVIDED TO SPOUSE.—Food, refreshments, lodging, transportation, and other benefits provided to the spouse of the Member, Delegate, Resident Commissioner, officer, or employee, resulting from the outside business or employment activities of the spouse or in connection with bona fide employment discussions with respect to the spouse, if such benefits have not been offered or enhanced because of the official position of the Member, Delegate, Resident Commissioner, officer, or employee and are customarily provided to others in similar circumstances.

(H) OPPORTUNITIES AND BENEFITS UNRELATED TO CONGRESSIONAL EMPLOYMENT.—Opportunities and benefits that are offered to members of a group or class in which membership is unrelated to congressional employment.

(I) CERTAIN FOODS OR REFRESHMENTS.—Food or refreshments of a nominal value offered other than as a part of a meal.

(b) PENALTY.—Any registered lobbyist who violates this section shall be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation.

SEC. 307. PROHIBITION ON MEMBERS ACCEPTING GIFTS FROM LOBBYISTS.

(a) HOUSE OF REPRESENTATIVES.—Clause 5(a)(1)(A) of rule XXV of the Rules of the House of Representatives is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of this clause, in no event may a Member, Delegate, or Resident Commissioner accept a gift from a registered lobbyist prohibited by section 306 of the Lobbying and Ethics Reform Act of 2005.''.

(b) SENATE.—Paragraph 1 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(g) Notwithstanding any other provision of this rule, in no event may a Member accept a gift from a registered lobbyist prohibited by section 306 of the Lobbying and Ethics Reform Act of 2005.''.

TITLE IV—OVERSIGHT OF ETHICS AND LOBBYING

SEC. 401. COMPTROLLER GENERAL REVIEW AND SEMIANNUAL REPORT ON ACTIVITIES CARRIED OUT BY CLERK OF THE HOUSE AND SECRETARY OF THE SENATE UNDER LOBBYING DISCLOSURE ACT OF 1995.

(a) ONGOING REVIEW REQUIRED.—The Comptroller General shall review on an ongoing basis the activities carried out by the Clerk of the House of Representatives and the Secretary of the Senate under section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605). The review shall emphasize—

(1) the effectiveness of those activities in securing the compliance by lobbyists with the requirements of that Act; and

(2) whether the Clerk and the Secretary have the resources and authorities needed for effective oversight and enforcement of that Act.

(b) SEMIANNUAL REPORTS.—Twice yearly, not later than January 1 and not later than July 1 of each year, the Comptroller General shall submit to Congress a report on the review required by subsection (a). The report shall include the Comptroller General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

(1) improve the compliance by lobbyists with the requirements of that Act; and

(2) provide the Clerk and the Secretary with the resources and authorities needed for effective oversight and enforcement of that Act.

Mr FEINGOLD. Mr. President, today I will introduce the Lobbying and Ethics Reform Act of 2005. This bill builds on similar legislation that was introduced in the House by Representatives MARTY MEEHAN and RAHM EMMANUEL.

I have long believed that to truly serve our constituents well, we must reduce the impact of big money on the legislative process. I have devoted a great deal of time over the years to reforming our campaign finance laws. With the enactment of the Bipartisan Campaign Reform Act in 2002, we took several important, and I believe successful, steps to reduce the influence of special interests and return some measure of power to the American people.

But campaign contributions are only part of the story. In fact, during recent election cycles, the amount spent on lobbying members of Congress once they are elected has been more than double the amount spent on getting them elected in the first place. Yet lobbyists and the lobbying industry remain partly in the shadows, even after the significant improvements to the disclosure laws enacted in 1995. Ten years later, the weaknesses of that law have become apparent, as have the weaknesses in the congressional gift rules that we passed around the same time. Recent scandals involving lobbyists have made very clear that if this body is to be responsive to the people, not just a narrow set of special interests, we must strengthen the disclosure rules governing the lobbying industry and close loopholes in the gift rules.

The lobbying industry continues to grow at a startling rate. According to the Center for Public Integrity, over three billion dollars were spent on lobbying in 2004, nearly double the amount spent just six years earlier. This dramatic increase in lobbying expenditures has led to an equally dramatic growth in the number of registered lobbyists. A story in the Washington Post from June of this year reports that there are currently more than 34,750 registered lobbyists, which represents a 100% increase from 2000. Not surprisingly, a few powerful industries account for much of this growth. In the last six years, the pharmaceutical industry alone has spent over three quarters of a billion dollars on lobbying, enough to finance over 3,000 professional lobbyists. The insurance industry is not far behind. During this same period, insurance companies spent over 600 million dollars and employed over 2,000 lobbyists.

Despite the growing presence of lobbyists on Capitol Hill, and despite the improvements made in the 1995 law, regulation of the lobbying industry remains inadequate. The Senate office in charge of overseeing lobbying disclosure reports employs fewer than 20 people, and the equivalent House office employs fewer than 35. Compare these numbers to the Federal Election Commission, which many people believe is itself understaffed, but which has a staff of nearly 400 to oversee and enforce campaign finance laws.

Given these numbers, it should not come as a shock that oversight of the booming lobbying industry is not what we would like it to be. In the past six years alone, over 300 individuals and companies lobbied without registering first. One in five lobbying companies failed to file required disclosure forms. And the Center for Public Integrity reports that over 14,000 disclosure documents that should have been filed are not available, including documents relating to 49 of the top 50 lobbying firms.

When the disclosure requirements are not enforced, it can only be expected that they and other rules relating to lobbying will not be followed. In the last six months, we have seen a number of stories in the press detailing the increasingly cozy relationship between lobbyists and certain members of Congress. We have seen stories of lobbyists funding international junkets for members, their families, and their staff, which include days on famous golf courses and nights in luxurious resorts. We have seen stories of members and their staff accepting lavish gifts and expensive meals from lobbyists. And we haves seen stories of lobbyists providing members with free access to their companies' or clients' corporate jets so that they can fly in comfort from fundraiser to fundraiser.

But the enticements offered by lobbyists are not all quite so exotic indeed, many lobbyists merely offer plum positions in their K Street offices. According to a 2005 report, more than 2200 former federal government employees were registered as federal lobbyists between 1998 and 2004. Of those, more then 200 were former members of Congress. In fact, Public Citizen reports that nearly half of all members returning to the private sector accept positions in the lobbying industry. For congressional employees, the prospect of receiving lobbying positions, which often pay several times more than their current jobs, can easily create conflicts of interest and may affect the decisions they make in their official capacity.

The problems with oversight of the lobbying industry are systemic and they are troubling. Even the minimal disclosure requirements of the Lobbying Disclosure Act are often ignored because lobbyists know they will not be penalized. The revolving door between the Hill and K Street spins faster than ever. And flaws in the gift rules are allowing handouts from lobbyists to rapidly increase the influence of special interests at the expense of the average citizen. I am told that it is not uncommon for lobbyists to perch themselves at the end of a bar and buy drinks for any congressional staffer who comes by. This is permissible under the Senate's current gift rules, and it shouldn't be. Lobbyists complain about pressure—if not outright blatant requests—from Members and congressional staff to pay for their food and drinks. Clearly, there is plenty of blame to go around.

My bill addresses these concerns in four ways. First, my bill makes the lobbying process more transparent by enhancing the specificity, frequency, and accessibility of lobbying disclosure reports. The bill would require these periodic reports filed by lobbyists to identify the members of Congress with whom they met, divulge all past senior-level legislative or executive branch employment, and separate out and report the amount of money spent on grassroots lobbying efforts. Lobbyists would have to file these reports on a quarterly, rather than a semiannual, basis. And the bill would require the Secretary of the Senate and the Clerk of the House to make these reports available in a searchable database that would allow the public to gather information on lobbyists quickly and efficiently. The bill also requires the disclosure of entities that contribute large sums of money to lobbying coalitions. And it doubles the civil penalty for knowingly failing to file lobbying reports or filing false information.

Second, this bill should slow the revolving door between Congress and the lobbying industry. It establishes a two-year waiting period for members, senior staff, and senior executive personnel to participate in lobbying. During this cooling-off period, members and senior executive personnel would be prohibited from engaging in all lobbying activities, including developing strategy for or directing a lobbying campaign. Staff would be forbidden from making direct contact with any members or staff who work in the

House of Congress that used to employ them, rather than just the former employing office, as the law now requires.

The revolving door provisions in my bill would also require members of Congress to publicly disclose their intent to seek outside employment if a conflict of interest exists. They prohibit members of Congress from taking official actions to influence the employment decisions of outside entities on the basis of partisan affiliation. And they affirm that no member should take official action based on the prospect for personal gain. The bill also prohibits registered lobbyists from taking advantage of special advantages such as gym membership, floor privileges, or access to certain areas of the Capitol that are offered to former Members of Congress.

Third, my bill addresses the growing problem of privately funded travel and lobbyist gifts. Before sponsoring a trip for a member or staff, an organization must certify that the trip was not financed or organized by a registered lobbyist and that lobbyists will not participate in or attend the trip. After returning from the trip, the Member or staff must provide a detailed itinerary and description of expenses. My bill also creates a complete ban on lobbyists providing gifts to members and staff and on members accepting gifts from registered lobbyists. Those who file false certifications or fail to observe these rules will be subject to stiff penalties.

Finally, the bill seeks to strengthen oversight of lobbying disclosure. A GAO report showing the old lobbying law passed in the 1940s was largely ignored and rarely enforced was an important impetus to passing the Lobbying Disclosure Act in 1995. The bill requires the Comptroller General to report to Congress twice annually on the state of the enforcement of the rules. These reports will help us determine if further improvements in the laws are necessary.

These measures are not crafted as a knee-jerk response to the recent spate of troubling revelations about the relationships between certain members of Congress and the lobbying industry. Instead, this bill addresses systemic problems with the rules governing lobbyists. It has been a decade since the Lobbying Disclosure Act and new gift rules were passed and we now know that some of these rules are no longer sufficient to regulate a growing and evolving lobbying industry. It is now time for us to act again. I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill and a section by section analysis be printed in the RECORD.

By Mr. CHAFEE (for himself, Mrs. CLINTON, Mr. INHOFE, and Mr. JEFFORDS):

S. 1400. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States; to the Committee on Environment and Public Works.

Mr. CHAFEE. 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. 1400

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 ''Water Infrastructure Financing Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—WATER POLLUTION INFRASTRUCTURE

SEC. 101. TECHNICAL ASSISTANCE FOR RURAL AND SMALL TREATMENT WORKS.

(a) IN GENERAL.—Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

''SEC. 222. TECHNICAL ASSISTANCE FOR RURAL AND SMALL TREATMENT WORKS.

''(a) DEFINITION OF QUALIFIED NONPROFIT TECHNICAL ASSISTANCE PROVIDER.—In this section, the term 'qualified nonprofit technical assistance provider' means a qualified nonprofit technical assistance provider of water and wastewater services to small rural communities that provide technical assistance to treatment works (including circuit rider programs and training and preliminary engineering evaluations) that—

''(1) serve not more than 10,000 users; and

''(2) may include a State agency.

''(b) GRANT PROGRAM.—

''(1) IN GENERAL.—The Administrator may make grants to qualified nonprofit technical assistance providers that are qualified to provide assistance on a broad range of wastewater and stormwater approaches—

''(A) to assist small treatment works to plan, develop, and obtain financing for eligible projects described in section 603(c);

''(B) to capitalize revolving loan funds to provide loans, in consultation with the State in which the assistance is provided, to rural and small municipalities for predevelopment costs (including costs for planning, design, associated preconstruction, and necessary activities for siting the facility and related elements) associated with wastewater infrastructure projects or short-term costs incurred for equipment replacement that is not part of regular operation and maintenance activities for existing wastewater systems, if—

''(i) any loan from the fund is made at or below the market interest rate, for a term not to exceed 10 years;

''(ii) the amount of any single loan does not exceed $100,000; and

''(iii) all loan repayments are credited to the fund;

''(C) to provide technical assistance and training for rural and small publicly owned treatment works and decentralized wastewater treatment systems to enable those treatment works and systems to protect water quality and achieve and maintain compliance with this Act; and

''(D) to disseminate information to rural and small municipalities with respect to planning, design, construction, and operation of publicly owned treatment works and decentralized wastewater treatment systems.

''(2) DISTRIBUTION OF GRANT.—In carrying out this subsection, the Administrator shall ensure, to the maximum extent practicable, that technical assistance provided using funds from a grant under paragraph (1) is made available in each State.

''(3) CONSULTATION.—As a condition of receiving a grant under this subsection, a qualified nonprofit technical assistance provider shall consult with each State in which grant funds are to be expended or otherwise made available before the grant funds are expended or made available in the State.

''(4) ANNUAL REPORT.—For each fiscal year, a qualified nonprofit technical assistance provider that receives a grant under this subsection shall submit to the Administrator a report that—

''(A) describes the activities of the qualified nonprofit technical assistance provider using grant funds received under this subsection for the fiscal year; and

''(B) specifies—

''(i) the number of communities served;

''(ii) the sizes of those communities; and

''(iii) the type of financing provided by the qualified nonprofit technical assistance provider.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2006 through 2010.''.

(b) GUIDANCE FOR SMALL SYSTEMS.—Section 602 of the Federal Water Pollution Control Act (33 U.S.C. 1382) is amended by adding at the end the following:

''(c) GUIDANCE FOR SMALL SYSTEMS.—

''(1) DEFINITION OF SMALL SYSTEM.—In this subsection, the term 'small system' means a system—

''(A) for which a municipality or intermunicipal, interstate, or State agency seeks assistance under this title; and

''(B) that serves a population of 10,000 or fewer households.

''(2) SIMPLIFIED PROCEDURES.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall assist the States in establishing simplified procedures for small systems to obtain assistance under this title.

''(3) PUBLICATION OF MANUAL.—Not later than 1 year after the date of enactment of this subsection, after providing notice and opportunity for public comment, the Administrator shall publish—

''(A) a manual to assist small systems in obtaining assistance under this title; and

''(B) in the Federal Register, notice of the availability of the manual.''.

SEC. 102. PROJECTS ELIGIBLE FOR ASSISTANCE.

Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended by striking subsection (c) and inserting the following:

''(c) PROJECTS ELIGIBLE FOR ASSISTANCE.—Funds in each State water pollution control revolving fund shall be used only for—

''(1) providing financial assistance to any municipality or an intermunicipal, interstate, or State agency that principally treats municipal wastewater or domestic sewage for construction (including planning, design, associated preconstruction, and activities relating to the siting of a facility) of a treatment works (as defined in section 212);

''(2) implementation of a management program established under section 319;

''(3) development and implementation of a conservation and management plan under section 320;

''(4) providing financial assistance to a municipality or an intermunicipal, interstate, or State agency for projects to increase the security of wastewater treatment works (excluding any expenditure for operations or maintenance);

''(5) providing financial assistance to a municipality or an intermunicipal, interstate, or State agency for measures to control municipal stormwater, the primary purpose of which is the preservation, protection, or enhancement of water quality;

''(6) water conservation projects, the primary purpose of which is the protection, preservation, and enhancement of water quality; or

''(7) reuse, reclamation, and recycling projects, the primary purpose of which is the protection, preservation, and enhancement of water quality.''.

SEC. 103. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

Section 603(d) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)) is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) to carry out a project under paragraph (2) or (3) of section 601(a), which may be—

''(A) operated by a municipal, intermunicipal, or interstate entity, State, public or private utility, corporation, partnership, association, or nonprofit agency; and

''(B) used to make loans that will be fully amortized not later than 30 years after the date of the completion of the project.''.

SEC. 104. AFFORDABILITY.

(a) IN GENERAL.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(1) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(2) by inserting after subsection (d) the following:

''(e) TYPES OF ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—

''(1) DEFINITION OF DISADVANTAGED COMMUNITY.—In this subsection, the term 'disadvantaged community' means the service area, or portion of a service area, of a treatment works that meets affordability criteria established after public review and comment by the State in which the treatment works is located.

''(2) LOAN SUBSIDY.—Notwithstanding any other provision of this section, in a case in which the State makes a loan from the water pollution control revolving loan fund in accordance with subsection (c) to a disadvantaged community or a community that the State expects to become a disadvantaged community as the result of a proposed project, the State may provide additional subsidization, including—

''(A) the forgiveness of the principal of the loan; and

''(B) an interest rate on the loan of zero percent.

''(3) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, the total amount of loan subsidies made by the State pursuant to this subsection may not exceed 30 percent of the amount of the capitalization grant received by the State for the fiscal year.

''(4) EXTENDED TERM.—A State may provide an extended term for a loan if the extended term—

''(A) terminates not later than the date that is 30 years after the date of completion of the project; and

''(B) does not exceed the expected design life of the project.

''(5) INFORMATION.—The Administrator may publish information to assist States in establishing affordability criteria described in paragraph (1).''.

(b) CONFORMING AMENDMENT.—Section 221(d) of the Federal Water Pollution Control Act (33 U.S.C. 1301(d)) is amended in the second sentence by striking ''603(h)'' and inserting ''603(i)''.

SEC. 105. TRANSFERABILITY OF FUNDS.

Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) (as amended by section 104(a)(1)) is amended by adding at the end the following:

''(j) TRANSFER OF FUNDS.—

''(1) IN GENERAL.—The Governor of a State may—

''(A)(i) reserve not more than 33 percent of a capitalization grant made under this title; and

''(ii) add the funds reserved to any funds provided to the State under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); and

''(B)(i) reserve for any year an amount that does not exceed the amount that may be reserved under subparagraph (A) for that year from capitalization grants made under section 1452 of that Act (42 U.S.C. 300j–12); and

''(ii) add the reserved funds to any funds provided to the State under this title.

''(2) STATE MATCH.—Funds reserved under this subsection shall not be considered to be a State contribution for a capitalization grant required under this title or section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)).''.

SEC. 106. COSTS OF ADMINISTERING WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

Section 603(d)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)(7)) is amended by striking ''4 percent'' and inserting ''6 percent''.

SEC. 107. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended by striking subsection (h) (as redesignated by section 104) and inserting the following:

''(h) PRIORITY SYSTEM REQUIREMENT.—

''(1) DEFINITIONS.—In this subsection:

''(A) RESTRUCTURING.—The term 'restructuring' means—

''(i) the consolidation of management functions or ownership with another facility; or

''(ii) the formation of cooperative partnerships.

''(B) TRADITIONAL WASTEWATER APPROACH.—The term 'traditional wastewater approach' means a managed system used to collect and treat wastewater from an entire service area consisting of—

''(i) collection sewers;

''(ii) a centralized treatment plant using biological, physical, or chemical treatment processes; and

''(iii) a direct point source discharge to surface water.

''(2) PRIORITY SYSTEM.—In providing financial assistance from the water pollution control revolving fund of the State, the State shall—

''(A) give greater weight to an application for assistance by a treatment works if the application includes such other information as the State determines to be appropriate and—

''(i) an inventory of assets, including a description of the condition of those assets;

''(ii) a schedule for replacement of the assets;

''(iii) a financing plan indicating sources of revenue from ratepayers, grants, bonds, other loans, and other sources;

''(iv) a review of options for restructuring the treatment works;

''(v) a review of options for approaches other than a traditional wastewater approach that may include actions or projects that treat or minimize sewage or urban stormwater discharges using—

''(I) decentralized or distributed stormwater controls;

''(II) decentralized wastewater treatment;

''(III) low impact development technologies;

''(IV) stream buffers;

''(V) wetland restoration; or

''(VI) actions to minimize the quantity of and direct connections to impervious surfaces;

''(vi) demonstration of consistency with State, regional, and municipal watershed plans;

''(vii) a review of options for urban waterfront development or brownfields revitalization to be completed in conjunction with the project; or

''(viii) provides the applicant the flexibility through alternative means to carry out responsibilities under Federal regulations, that may include watershed permitting and other innovative management approaches, while achieving results that—

''(I) the State, with the delegated authority under section 402(a)(5), determines meet permit requirements for permits that have been issued in accordance with the national pollution discharge elimination system under section 402; or

''(II) the Administrator determines are measurably superior when compared to regulatory standards;

''(B) take into consideration appropriate chemical, physical, and biological data that the State considers reasonably available and of sufficient quality;

''(C) provide for public notice and opportunity to comment on the establishment of the system and the summary under subparagraph (D);

''(D) publish not less than biennially in summary form a description of projects in the State that are eligible for assistance under this title that indicates—

''(i) the priority assigned to each project under the priority system of the State; and

''(ii) the funding schedule for each project, to that extent the information is available; and

''(E) ensure that projects undertaken with assistance under this title are designed to achieve, as determined by the State, the optimum water quality management, consistent with the public health and water quality goals and requirements of this title.

''(3) SAVINGS CLAUSE.—Nothing in paragraph (2)(A)(viii) affects the authority of the Administrator under section 402(a)(5).''.

SEC. 108. NONCOMPLIANCE.

Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) (as amended by section 105) is amended by adding at the end the following:

''(k) NONCOMPLIANCE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no assistance (other than assistance that is to be used by a treatment works solely for planning, design, or security purposes) shall be provided under this title to a treatment works that has been in significant noncompliance with any requirement of this Act for any of the 4 quarters in the previous 8 quarters, unless the treatment works is in compliance with, or has entered into, an enforceable administrative order to effect compliance with the requirement.

''(2) EXCEPTION.—A treatment works that is determined under paragraph (1) to be in significant noncompliance with a requirement described in that paragraph may receive assistance under this title if the Administrator and the State providing the assistance determine that—

''(A) the entity conducting the enforcement action on which the determination of significant noncompliance is based has determined that the use of assistance would enable the treatment works to take corrective action toward resolving the violations; or

''(B) the entity conducting the enforcement action on which the determination of significant noncompliance is based has determined that the assistance would be used on a portion of the treatment works that is not directly related to the cause of finding significant noncompliance.''.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

The Federal Water Pollution Control Act is amended by striking section 607 (33 U.S.C. 1387) and inserting the following:

''SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

''(1) $3,200,000,000 for each of fiscal years 2006 and 2007;

''(2) $3,600,000,000 for fiscal year 2008;

''(3) $4,000,000,000 for fiscal year 2009; and

''(4) $6,000,000,000 for fiscal year 2010.

''(b) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

''(c) RESERVATION FOR NEEDS SURVEYS.—Of the amount made available under subsection (a) to carry out this title for a fiscal year, the Administrator may reserve not more than $1,000,000 per year to pay the costs of conducting needs surveys under section 516(2).''.

SEC. 110. CRITICAL WATER INFRASTRUCTURE PROJECTS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a program under which grants are provided to eligible entities for use in carrying out projects and activities the primary purpose of which is watershed restoration through the protection or improvement of water quality.

(b) PROJECT SELECTION.—

(1) IN GENERAL.—The Administrator may provide funds under this section to an eligible entity to carry out an eligible project described in paragraph (2).

(2) EQUITABLE DISTRIBUTION.—The Administrator shall ensure an equitable distribution of projects under this section, taking into account cost and number of requests for each category listed in paragraph (3).

(3) ELIGIBLE PROJECTS.—A project that is eligible to be carried out using funds provided under this section may include projects that—

(A) are listed on the priority list of a State under section 216 of the Federal Water Pollution Control Act (33 U.S.C. 1296);

(B) mitigate wet weather flows, including combined sewer overflows, sanitary sewer overflows, and stormwater discharges;

(C) upgrade publicly owned treatment works with a permitted design capacity to treat an annual average of at least 500,000 gallons of wastewater per day, the upgrade of which would produce the greatest nutrient load reductions at points of discharge, or result in the greatest environmental benefits, with nutrient removal technologies that are designed to reduce total nitrogen in discharged wastewater to an average annual concentration of 3 milligrams per liter;

(D) implement locally based watershed protection plans created by local nonprofit organizations that—

(i) provide a coordinating framework for management that focuses public and private efforts to address the highest priority water-related problems within a geographic area, considering both ground and surface water flow; and

(ii) includes representatives from both point source and nonpoint source contributors;

(E) are contained in a State plan developed in accordance with section 319 or 320 of the Federal Water Pollution Control Act (33 U.S.C. 1329, 1330); or

(F) include means to develop alternative water supplies.

(c) LOCAL PARTICIPATION.—In prioritizing projects for implementation under this section, the Administrator shall consult with, and consider the priorities of—

(1) affected State and local governments; and

(2) public and private entities that are active in watershed planning and restoration.

(d) COST SHARING.—Before carrying out any project under this section, the Administrator shall enter into a binding agreement with 1 or more non-Federal interests that shall require the non-Federal interests—

(1) to pay 45 percent of the total costs of the project, which may include services, materials, supplies, or other in-kind contributions;

(2) to provide any land, easements, rights-of-way, and relocations necessary to carry out the project; and

(3) to pay 100 percent of any operation, maintenance, repair, replacement, and rehabilitation costs associated with the project.

(e) WAIVER.—The Administrator may waive the requirement to pay the non-Federal share of the cost of carrying out an eligible activity using funds from a grant provided under this section if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000,000 for each of fiscal years 2006 through 2010.

TITLE II—SAFE DRINKING WATER INFRASTRUCTURE

SEC. 201. PRECONSTRUCTION WORK.

Section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)) is amended in the second sentence—

(1) by striking ''(not'' and inserting ''(including expenditures for planning, design, and associated preconstruction and for recovery for siting of the facility and related elements but not''; and

(2) by inserting before the period at the end the following: ''or to replace or rehabilitate aging collection, treatment, storage (including reservoirs), or distribution facilities of public water systems or provide for capital projects to upgrade the security of public water systems''.

SEC. 202. AFFORDABILITY.

Section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(3)) is amended in the first sentence by inserting '', or portion of a service area,'' after ''service area''.

SEC. 203. SAFE DRINKING WATER REVOLVING LOAN FUNDS.

Section 1452(g) of the Safe Drinking Water Act (42 U.S.C. 300j–12(g)) is amended—

(1) paragraph (2)—

(A) in the first sentence, by striking ''4'' and inserting ''6''; and

(B) by striking ''1419,'' and all that follows through ''1933.'' and inserting ''1419.''; and

(2) by adding at the end the following:

''(5) TRANSFER OF FUNDS.—

''(A) IN GENERAL.—The Governor of a State may—

''(i)(I) reserve not more than 33 percent of a capitalization grant made under this section; and

''(II) add the funds reserved to any funds provided to the State under section 601 of the Federal Water Pollution Control Act (33 U.S.C. 1381); and

''(ii)(I) reserve for any fiscal year an amount that does not exceed the amount that may be reserved under clause (i)(I) for that year from capitalization grants made under section 601 of that Act (33 U.S.C. 1381); and

''(II) add the reserved funds to any funds provided to the State under this section.

''(B) STATE MATCH.—Funds reserved under this paragraph shall not be considered to be a State match of a capitalization grant required under this section or section 602(b) of the Federal Water Pollution Control Act (33 U.S.C. 1382(b)).''.

SEC. 204. OTHER AUTHORIZED ACTIVITIES.

Section 1452(k)(2)(D) of the Safe Drinking Water Act (42 U.S.C. 300j–12(k)(2)(D)) is amended by inserting before the period at the end the following: ''(including implementation of source water protection plans)''.

SEC. 205. PRIORITY SYSTEM REQUIREMENTS.

Section 1452(b)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D);

(2) by striking subparagraph (A) and inserting the following:

''(A) DEFINITION OF RESTRUCTURING.—In this paragraph, the term 'restructuring' means changes in operations (including ownership, accounting, rates, maintenance, consolidation, and alternative water supply).

''(B) PRIORITY SYSTEM.—An intended use plan shall provide, to the maximum extent practicable, that priority for the use of funds be given to projects that—

''(i) address the most serious risk to human health;

''(ii) are necessary to ensure compliance with this title (including requirements for filtration); and

''(iii) assist systems most in need on a per-household basis according to State affordability criteria.

''(C) WEIGHT GIVEN TO APPLICATIONS.—After determining project priorities under subparagraph (B), an intended use plan shall further provide that the State shall give greater weight to an application for assistance by a community water system if the application includes such other information as the State determines to be necessary and—

''(i) an inventory of assets, including a description of the condition of the assets;

''(ii) a schedule for replacement of assets;

''(iii) a financing plan indicating sources of revenue from ratepayers, grants, bonds, other loans, and other sources;

''(iv) a review of options for restructuring the public water system;

''(v) demonstration of consistency with State, regional, and municipal watershed plans; or

''(vi) a review of options for urban waterfront development or brownfields revitalization to be completed in conjunction with the project;''; and

(3) in subparagraph (D) (as redesignated by paragraph (1)), by striking ''periodically'' and inserting ''at least biennially''.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended by striking subsection (m) and inserting the following:

''(m) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $1,500,000,000 for fiscal year 2006;

''(B) $2,000,000,000 for each of fiscal years 2007 and 2008;

''(C) $3,500,000,000 for fiscal year 2009; and

''(D) $6,000,000,000 for fiscal year 2010.

''(2) AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

''(3) RESERVATION FOR NEEDS SURVEYS.—Of the amount made available under paragraph (1) to carry out this section for a fiscal year, the Administrator may reserve not more than $1,000,000 per year to pay the costs of conducting needs surveys under subsection (h).''.

SEC. 207. CRITICAL DRINKING WATER INFRASTRUCTURE PROJECTS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall establish a program under which grants are provided to eligible entities for use in carrying out projects and activities the primary purpose of which is to assist community water systems in meeting the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(b) PROJECT SELECTION.—A project that is eligible to be carried out using funds provided under this section may include projects that—

(1) develop alternative water sources;

(2) provide assistance to small systems; or

(3) assist a community water system—

(A) to comply with a national primary drinking water regulation; or

(B) to mitigate groundwater contamination.

(c) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this section is—

(1) a community water system as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f); or

(2) a system that is located in an area governed by an Indian Tribe, as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f);

(d) PRIORITY.—In prioritizing projects for implementation under this section, the Administrator shall give priority to community water systems that—

(1) serve a community that, under affordability criteria established by the State under section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j-12), is determined by the State to be—

(A) a disadvantaged community; or

(B) a community that may become a disadvantaged community as a result of carrying out an eligible activity; or

(2) serve a community with a population of less than 10,000 households.

(e) LOCAL PARTICIPATION.—In prioritizing projects for implementation under this section, the Administrator shall consult with, and consider the priorities of, affected States, Tribes, and local governments.

(f) COST SHARING.—Before carrying out any project under this section, the Administrator shall enter into a binding agreement with 1 or more non-Federal interests that shall require the non-Federal interests—

(1) to pay 45 percent of the total costs of the project, which may include services, materials, supplies, or other in-kind contributions;

(2) to provide any land, easements, rights-of-way, and relocations necessary to carry out the project; and

(3) to pay 100 percent of any operation, maintenance, repair, replacement, and rehabilitation costs associated with the project.

(g) WAIVER.—The Administrator may waive the requirement to pay the non-Federal share of the cost of carrying out an eligible activity using funds from a grant provided under this section if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000,000 for each of fiscal years 2006 through 2010.

SEC. 208. SMALL SYSTEM REVOLVING LOAN FUNDS.

Section 1442(e) of the Safe Drinking Water Act (42 U.S.C. 300j091(e)) is amended—

(1) in the first sentence, by striking ''The Administrator may provide'' and inserting the following:

''(1) IN GENERAL.—The Administrator may provide''; and

(2) by adding at the end the following:

''(2) SMALL SYSTEM REVOLVING LOAN FUND.—

''(A) IN GENERAL.—In addition to amounts provided under this section, the Administrator may provide grants to qualified private, nonprofit entities to capitalize revolving funds to provide financing to eligible entities described in subparagraph (B) for—

''(i) predevelopment costs (including costs for planning, design, associated preconstruction, and necessary activities for siting the facility and related elements) associated with proposed water projects or with existing water systems; and

''(ii) short-term costs incurred for replacement equipment, small-scale extension services, or other small capital projects that are not part of the regular operations and maintenance activities of existing water systems.

''(B) ELIGIBLE ENTITIES.—To be eligible for assistance under this paragraph, an entity shall be a small water system (as described in section 1412(b)(4)(E)(ii)).

''(C) MAXIMUM AMOUNT OF LOANS.—The amount of financing made to an eligible entity under this paragraph shall not exceed—

''(i) $100,000 for costs described in subparagraph (A)(i); and

''(ii) $100,000 for costs described in subparagraph (A)(ii).

''(D) TERM.—The term of a loan made to an eligible entity under this paragraph shall not exceed 10 years.

''(E) ANNUAL REPORT.—For each fiscal year, a qualified private, nonprofit entity that receives a grant under subparagraph (A) shall submit to the Administrator a report that—

''(i) describes the activities of the qualified private, nonprofit entity under this paragraph for the fiscal year; and

''(ii) specifies—

''(I) the number of communities served;

''(II) the sizes of those communities; and

''(III) the type of financing provided by the qualified private, nonprofit entity.

''(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 209. STUDY ON LEAD CONTAMINATION IN DRINKING WATER.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to carry out a study to analyze existing market conditions for plumbing components, including pipes, faucets, water meters, valves, household valves, and any other plumbing components that come into contact with water commonly used for human consumption.

(b) COMPONENTS.—In conducting the study under subsection (a), the National Academy of Sciences shall evaluate for each category of plumbing components described in subsection (a)—

(1) the availability of plumbing components in each category with lead content below 8 percent, including those between 0 percent and 4 percent and those between 4 percent and 8 percent;

(2) the relative market share of the plumbing components;

(3) the relative cost of the plumbing components;

(4) the issues surrounding transition from current market to plumbing components with not more than 0.2 percent lead;

(5) the feasibility of manufacturing plumbing components with lead levels below 8 percent; and

(6) the use of lead alternatives in plumbing components with lead levels below 8 percent.

(c) REPORT.—Not late than 1 year after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the findings of the study under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 210. DISTRICT OF COLUMBIA LEAD SERVICE LINE REPLACEMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out lead service line replacement in the District of Columbia $30,000,000 for each of fiscal years 2007 through 2011.

(b) LEAD SERVICE LINE REPLACEMENT ASSISTANCE FUND.—

(1) IN GENERAL.—Of the funds provided under subsection (a), not more than $2,000,000 per year may be allocated for water service line replacement grants to provide assistance to low-income residents to replace the privately-owned portion of lead service lines.

(2) LIMITATION.—Individual grants shall be limited to not more than $5,000.

(3) DEFINITION OF LOW INCOME.—For the purpose of this subsection, the term ''low-income'' shall be defined by the District of Columbia.

TITLE III—MISCELLANEOUS

SEC. 301. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

SEC. 302. DEMONSTRATION GRANT PROGRAM FOR WATER QUALITY ENHANCEMENT AND MANAGEMENT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Administrator shall establish a nationwide demonstration grant program to—

(A) promote innovations in technology and alternative approaches to water quality management or water supply; or

(B) reduce costs to municipalities incurred in complying with—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(2) SCOPE.—The demonstration grant program shall consist of 10 projects each year, to be carried out in municipalities selected by the Administrator under subsection (b).

(b) SELECTION OF MUNICIPALITIES.—

(1) APPLICATION.—A municipality that seeks to participate in the demonstration grant program shall submit to the Administrator a plan that—

(A) is developed in coordination with—

(i) the agency of the State having jurisdiction over water quality or water supply matters; and

(ii) interested stakeholders;

(B) describes water impacts specific to urban or rural areas;

(C) includes a strategy under which the municipality, through participation in the demonstration grant program, could effectively—

(i) address water quality or water supply problems; and

(ii) achieve the water quality goals that—

(I) could be achieved using more traditional methods; and

(II) are required under—

(aa) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); or

(bb) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(D) includes a schedule for achieving the water quality or water supply goals of the municipality.

(2) TYPES OF PROJECTS.—In carrying out the demonstration grant program, the Administrator shall provide grants for projects relating to water supply or water quality matters such as—

(A) excessive nutrient growth;

(B) urban or rural population pressure;

(C) lack of an alternative water supply;

(D) difficulties in water conservation and efficiency;

(E) lack of support tools and technologies to rehabilitate and replace water supplies;

(F) lack of monitoring and data analysis for water distribution systems;

(G) nonpoint source water pollution (including stormwater);

(H) sanitary overflows;

(I) combined sewer overflows;

(J) problems with naturally occurring constituents of concern;

(K) problems with erosion and excess sediment;

(L) new approaches to water treatment, distribution, and collection systems; and

(M) new methods for collecting and treating wastewater (including system design and nonstructural alternatives).

(3) RESPONSIBILITIES OF ADMINISTRATOR.—In providing grants for projects under this subsection, the Administrator shall—

(A) ensure, to the maximum extent practicable, that—

(i) the demonstration program includes a variety of projects with respect to—

(I) geographic distribution;

(II) innovative technologies used for the projects; and

(III) nontraditional approaches (including low-impact development technologies) used for the projects; and

(ii) each category of project described in paragraph (2) is adequately represented;

(B) give higher priority to projects that—

(i) address multiple problems; and

(ii) are regionally applicable;

(C) ensure, to the maximum extent practicable, that at least 1 community having a population of 10,000 or fewer individuals receives a grant for each fiscal year; and

(D) ensure that, for each fiscal year, no municipality receives more than 25 percent of the total amount of funds made available for the fiscal year to provide grants under this section.

(4) COST SHARING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the non-Federal share of the total cost of a project funded by a grant under this section shall be not less than 20 percent.

(B) WAIVER.—The Administrator may reduce or eliminate the non-Federal share of the cost of a project for reasons of affordability.

(c) REPORTS.—

(1) REPORTS FROM GRANT RECIPIENTS.—A recipient of a grant under this section shall submit to the Administrator, on the date of completion of a project of the recipient and on each of the dates that is 1, 2, and 3 years after that date, a report that describes the effectiveness of the project.

(2) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report that describes the status and results of the demonstration program.

(d) INCORPORATION OF RESULTS AND INFORMATION.—To the maximum extent practicable, the Administrator shall incorporate the results of, and information obtained from, successful projects under this section into programs administered by the Administrator.

(e) RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Administrator shall, through a competitive process, award grants and enter into contracts and cooperative agreements with research institutions, educational institutions, and other appropriate entities (including consortia of such institutions and entities) for research and development on the use of innovative and alternative technologies to improve water quality or drinking water supply.

(2) TYPES OF PROJECTS.—In carrying out this subsection, the Administrator may select projects relating to such matters as innovative or alternative technologies, approaches, practices, or methods—

(A) to increase the effectiveness and efficiency of public water supply systems, including—

(i) source water protection;

(ii) water use reduction;

(iii) water reuse;

(iv) water treatment;

(v) water distribution and collection systems; and

(vi) water security;

(B) to encourage the use of innovative or alternative technologies or approaches relating to water supply or availability;

(C) to increase the effectiveness and efficiency of new and existing treatment works, including—

(i) methods of collecting, treating, dispersing, reusing, reclaiming, and recycling wastewater;

(ii) system design;

(iii) nonstructural alternatives;

(iv) decentralized approaches;

(v) assessment;

(vi) water efficiency; and

(vii) wastewater security;

(D) to increase the effectiveness and efficiency of municipal separate storm sewer systems;

(E) to promote new water treatment technologies, including commercialization and dissemination strategies for adoption of innovative or alternative low impact development technologies in the homebuilding industry; or

(F) to maintain a clearinghouse of technologies developed under this subsection and subsection (a) at a research consortium or institute.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2006 through 2010.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (other than subsection (e)) $20,000,000 for each of fiscal years 2006 through 2010.

SEC. 303. AGRICULTURAL POLLUTION CONTROL TECHNOLOGY GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' means—

(A) agricultural, horticultural, viticultural, and dairy products;

(B) livestock and the products of livestock;

(C) the products of poultry and bee raising;

(D) the products of forestry;

(E) other commodities raised or produced on agricultural sites, as determined to be appropriate by the Secretary; and

(F) products processed or manufactured from products specified in subparagraphs (A) through (E), as determined by the Secretary.

(3) AGRICULTURAL PROJECT.—The term ''agricultural project'' means an agricultural pollution control technology project that, as determined by the Administrator—

(A) is carried out at an agricultural site; and

(B) achieves demonstrable reductions in air and water pollution.

(4) AGRICULTURAL SITE.—The term ''agricultural site'' means a farming or ranching operation of a producer.

(5) PRODUCER.—The term ''producer'' means any person who is engaged in the production and sale of an agricultural commodity in the United States and who owns, or shares the ownership and risk of loss of, the agricultural commodity.

(6) REVOLVING FUND.—The term ''revolving fund'' means an agricultural pollution control technology State revolving fund established by a State using amounts provided under subsection (b)(1).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) GRANTS FOR AGRICULTURAL STATE REVOLVING FUNDS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this section, the Administrator shall provide to each eligible State described in paragraph (2) 1 or more capitalization grants, that cumulatively equal no more than $1,000,000 per State, for use in establishing, within an agency of the State having jurisdiction over agriculture or environmental quality, an agricultural pollution control technology State revolving fund.

(2) ELIGIBLE STATES.—An eligible State referred to in paragraph (1) is a State that agrees, prior to receipt of a capitalization grant under paragraph (1)—

(A) to establish, and deposit the funds from the grant in, a revolving fund;

(B) to provide, at a minimum, a State share in an amount equal to 20 percent of the capitalization grant;

(C) to use amounts in the revolving fund to make loans to producers in accordance with subsection (c); and

(D) to return amounts in the revolving fund if no loan applications are granted within 2 years of the receipt of the initial capitalization grant.

(c) LOANS TO PRODUCERS.—

(1) USE OF FUNDS.—A State that establishes a revolving fund under subsection (b)(2) shall use amounts in the revolving fund to provide loans to producers for use in designing and constructing agricultural projects.

(2) MAXIMUM AMOUNT OF LOAN.—The amount of a loan made to a producer using funds from a revolving fund shall not exceed $250,000, in the aggregate, for all agricultural projects serving an agricultural site of the producer.

(3) CONDITIONS ON LOANS.—A loan made to a producer using funds from a revolving fund shall—

(A) have an interest rate that is not more than the market interest rate, including an interest-free loan; and

(B) be repaid to the revolving fund not later than 10 years after the date on which the loan is made.

(d) REQUIREMENTS FOR PRODUCERS.—

(1) IN GENERAL.—A producer that seeks to receive a loan from a revolving fund shall—

(A) submit to the State in which the agricultural site of the producer is located an application that—

(i) contains such information as the State may require; and

(ii) demonstrates, to the satisfaction of the State, that each project proposed to be carried out with funds from the loan is an agricultural project; and

(B) agree to expend all funds from a loan in an expeditious and timely manner, as determined by the State.

(2) MAXIMUM PERCENTAGE OF AGRICULTURAL PROJECT COST.—Subject to subsection (c)(2), a producer that receives a loan from a revolving fund may use funds from the loan to pay up to 100 percent of the cost of carrying out an agricultural project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000.

SEC. 304. STATE REVOLVING FUND REVIEW PROCESS.

As soon as practicable after the date of enactment of this Act, the Administrator shall—

(1) consult with States, utilities, and other Federal agencies providing financial assistance to identify ways to expedite and improve the application and review process for the provision of assistance from—

(A) the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.); and

(B) the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300–12);

(2) take such administrative action as is necessary to expedite and improve the process as the Administrator has authority to take under existing law;

(3) collect information relating to innovative approaches taken by any State to simplify the application process of the State, and provide the information to each State; and

(4) submit to Congress a report that, based on the information identified under paragraph (1), contains recommendations for legislation to facilitate further streamlining and improvement of the process.

SEC. 305. COST OF SERVICE STUDY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall complete and provide to the Administrator the results of, a study of the means by which public water systems and treatment works selected by the Academy in accordance with subsection (c) meet the costs associated with operations, maintenance, capital replacement, and regulatory requirements.

(b) REQUIRED ELEMENTS.—

(1) AFFORDABILITY.—The study shall, at a minimum—

(A) determine whether the rates at public water systems and treatment works for communities included in the study were established using a full-cost pricing model;

(B) if a full-cost pricing model was not used, identify any incentive rate systems that have been successful in significantly reducing—

(i) per capita water demand;

(ii) the volume of wastewater flows;

(iii) the volume of stormwater runoff; or

(iv) the quantity of pollution generated by stormwater;

(C) identify a set of best industry practices that public water systems and treatment works may use in establishing a rate structure that—

(i) adequately addresses the true cost of services provided to consumers by public water systems and treatment works, including infrastructure replacement;

(ii) encourages water conservation; and

(iii) takes into consideration the needs of disadvantaged individuals and communities, as identified by the Administrator;

(D) identify existing standards for affordability;

(E) determine the manner in which those standards are determined and defined;

(F) determine the manner in which affordability varies with respect to communities of different sizes and in different regions; and

(G) determine the extent to which affordability affects the decision of a community to increase public water system and treatment works rates (including the decision relating to the percentage by which those rates should be increased).

(2) DISADVANTAGED COMMUNITIES.—The study shall, at a minimum—

(A) survey a cross-section of States representing different sizes, demographics, and geographical regions;

(B) describe, for each State described in subparagraph (A), the definition of ''disadvantaged community'' used in the State in carrying out projects and activities under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) review other means of identifying the meaning of the term ''disadvantaged'', as that term applies to communities;

(D) determine which factors and characteristics are required for a community to be considered ''disadvantaged''; and

(E) evaluate the degree to which factors such as a reduction in the tax base over a period of time, a reduction in population, the loss of an industrial base, and the existence of areas of concentrated poverty are taken into account in determining whether a community is a disadvantaged community.

(c) SELECTION OF COMMUNITIES.—The National Academy of Sciences shall select communities, the public water system and treatment works rate structures of which are to be studied under this section, that include a cross-section of communities representing various populations, income levels, demographics, and geographical regions.

(d) USE OF RESULTS OF STUDY.—On receipt of the results of the study, the Administrator shall—

(1) submit to Congress a report that describes the results of the study; and

(2) make the results available to treatment works and public water systems for use by the publicly owned treatment works and public water systems, on a voluntary basis, in determining whether 1 or more new approaches may be implemented at facilities of the publicly owned treatment works and public water systems.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 and 2007.

SEC. 306. WATER RESOURCES STUDY.

(a) ASSESSMENT.—

(1) IN GENERAL .—The Secretary shall—

(A) not later than 2 years after the date of enactment of this Act, conduct an assessment of water resources in the United States; and

(B) update the assessment every 2 years thereafter.

(2) COMPONENTS.—The assessment shall, at a minimum—

(A) measure the status and trends of—

(i) fresh water in rivers and reservoirs;

(ii) groundwater levels and volume of useable fresh water stored in aquifers; and

(iii) fresh water withdrawn from streams and aquifers in the United States; and

(B) provide those measurements for—

(i) watersheds defined by the 352 hydrologic accounting units of the United States; and

(ii) major aquifers of the United States, as identified by the Secretary.

(3) REPORT.—Not later than 1 year after the date of completion of the assessment and every 2 years thereafter, the Secretary shall submit to Congress a report—

(A) describing the results of the assessment; and

(B) containing any recommendations of the Secretary relating to the assessment that—

(i) are consistent with existing laws, treaties, decrees, and interstate compacts; and

(ii) respect the primary role of States in adjudicating, administering, and regulating water rights and uses.

(b) WATER RESOURCE RESEARCH PRIORITIES.—

(1) IN GENERAL.—The Secretary shall coordinate a process among Federal agencies and appropriate State agencies to develop and publish, not later than 1 year after the date of enactment of this Act, a list of water resource research priorities that focuses on—

(A) water supply monitoring;

(B) means of capturing excess water and flood water for conservation and use in the event of a drought;

(C) strategies to conserve existing water supplies, including recommendations for repairing aging infrastructure;

(D) identifying incentives to ensure an adequate and dependable supply of water;

(E) identifying available technologies and other methods to optimize water supply reliability, availability, and quality, while safeguarding the environment; and

(F) improving the quality of water resource information available to State, tribal, and local water resource managers.

(2) USE OF LIST.—The list published under paragraph (1) shall be used by Federal agencies as a guide in making decisions on the allocation of water research funding.

(c) INFORMATION DELIVERY SYSTEM.—

(1) IN GENERAL.—The Secretary shall coordinate a process to develop an effective information delivery system to communicate information described in paragraph (2) to—

(A) decisionmakers at the Federal, regional, State, tribal, and local levels;

(B) the private sector; and
(C) the general public.
(2) TYPES OF INFORMATION.—The information referred to in paragraph (1) may include—
(A) the results of the national water resource assessments under subsection (a);
(B) a summary of the Federal water research priorities developed under subsection (b);
(C) near real-time data and other information on water shortages and surpluses;
(D) planning models for water shortages or surpluses (at various levels including State, river basin, and watershed levels);
(E) streamlined procedures for States and localities to interact with and obtain assistance from Federal agencies that perform water resource functions; and
(F) other water resource materials, as the Secretary determine appropriate.
(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter through fiscal year 2009, the Secretary shall submit to Congress a report on the implementation of this section.
(e) SAVINGS CLAUSE.—Nothing in this section—
(1) modifies, supercedes, abrogates, impairs, or otherwise affects in any way—
(A) any right or jurisdiction of any State with respect to the water (including boundary water) of the State;
(B) the authority of any State to allocate quantities of water within areas under the jurisdiction of the State; or
(C) any right or claim to any quantity or use of water that has been adjudicated, allocated, or claimed—
(i) in accordance with State law;
(ii) in accordance with subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666);
(iii) by or pursuant to an interstate compact; or
(iv) by a decision of the United States Supreme Court;
(2) requires a change in the nature of use or the transfer of any right to use water or creates a limitation on the exercise of any right to use water; or
(3) requires modifying the delivery, diversion, non-diversion, allocation, storage, or release from storage of any water to be delivered by contract.
(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—
(1) to carry out the report authorized by this section, $3,000,000, to remain available until expended; and
(2) to carry out the updates authorized by subsection (a)(1)(B), such sums as are necessary.

Mr. GREGG. Mr. President, sustained military operations in Afghanistan and Iraq have brought to light another example of how outdated and burdensome government policies can punish generous employers. Employers that continue to pay their employees now on active duty in the uniformed services are experiencing tax and pension difficulties that are discouraging this proworker, patriotic gesture. Apparently, when it comes to companies showing their respect for their employees called to serve, there is special meaning to the old cliché ''no good deed goes unpunished.''

The National Committee for Employer Support for the Guard and Reserve, a nationwide association, reports that thousands of employers across the country have signed a pledge of support and have gone above and beyond the requirements of the law in support of their National Guard and Reserve employees. This includes many of our Nation's largest and most reputable corporations, including 3M, McDonalds, Wal-Mart, Home Depot, Liberty Mutual and many others. These commendable companies provide reservist employees who are on active duty with ''differential pay'' that makes up the difference between their military stipend and civilian salary.

In New Hampshire, some of the most remarkable stories of corporate patriotism can be found. BAE Systems of Nashua has 110 people serving in the Guard and Reserves, 11 of whom are currently deployed overseas. They provide differential pay to all their called-up employees and continuing access to benefits to family members. The company even provides a stipend to make up the lost pay of active duty spouses of company employees when the spouse's employer is not able to provide differential pay.

Consider also the account of Mr. Marian Noronha, Chairman and Founder of Turbocam, a manufacturer based in Dover, New Hampshire. An immigrant from India, Mr. Noronha has not only provided his employees with differential pay and continued family health benefits, but has also extended to each of his activated employees a $10,000 line of credit. His active duty reservist and Guard employees have used this money to, among other things, purchase personal computers so their families can communicate with them while they are overseas. Several other New Hampshire private-sector companies, including Hitchiner Manufacturing Company in Milford, have exemplary records when it comes to dealing with reservist employees.

Under current law, employers of reservists and guardsmen called up for active duty are required to treat them as if they are on a leave of absence under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). The Act does not require employers to pay reservists who are on active duty. But as I have pointed out, many employers pay the reservists the difference between their military stipends and their regular salaries. Some employers provide this ''differential pay'' for up to three years. For employee convenience, many of these companies also allow deductions from the differential payment for contributions to their 401(k) retirement plans.

The conflict arises, however, because a 1969 IRS Revenue Ruling considers the employment relationship terminated when active duty begins. This ruling prevents employers from treating the differential pay as wages for income tax purposes, resulting in unexpected tax bills at the end of the year for these military personnel. Further, the contributions made to the worker's retirement account potentially invalidate, disqualify, the employer's entire retirement plan which could make all amounts immediately taxable to plan participants and the employer.

The Uniformed Services Differential Pay Protection Act that I am introducing today clarifies that differential wage payments are to be treated as wages to current employees for income tax purposes and that retirement plan contributions are permissible. The bill does the following:

Differential wage payments would be treated as wages for income tax withholding purposes and reported on the worker's W–2 form. This means that active duty personnel will not be hit with end-of-the-year tax bills.

No New Taxes: The legislation does not change present law, and deferential wage payments will not be subject to Social Security and unemployment compensation taxes.

Definition: ''Differential wage payments'' are defined to mean any payment which: 1. is made by an employer to an individual while he or she is on active duty for a period of more than 30 days, and 2. represents all or a portion of the wages the individual would have received from the employer if he or she were performing service for the employer.

An individual receiving differential wage payments would continue to be treated as an employee for purposes of the rules applicable to qualified retirement plans, removing the threat that contributions on his or her behalf would invalidate the employer's entire plan.

Distributions Protected: Clarifying language is included to ensure that individuals would continue to be permitted to take distributions from their accounts when they leave their jobs for active duty. Thus, the right to receive distributions will be preserved even though individuals are treated as current employees for contribution purposes. The bill includes a prohibition on making elective deferrals or employee contributions for six months after receiving a distribution.

Satisfying Nondiscrimination Rules: In order to avoid disruptions in retirement savings plans and to remove disincentives, employers could disregard contributions to retirement savings accounts based on differential wage payments for nondiscrimination testing purposes, provided that such payments are available to all mobilized employees on reasonably equivalent terms.

In summary, the Uniformed Services Differential Pay Protection Act upholds the principle that employers should not be penalized for their generosity towards our Nation's reservists and members of the National Guard.

By Mr. WYDEN:

S. 1403. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under medicare; to the Committee on Finance.

Mr. WYDEN. Mr. President, when Congress passed the Medicare Modernization Act, Medicare cost contracts

were kept as a health plan option for seniors. However, Congress also limited the ability of cost contracts to operate in areas if a Medicare Advantage plan decided to offer service in that area and stayed for a year.

Medicare cost contracts are plans that offer more benefits than basic Medicare and are often available in areas in which Medicare Advantage plans are not offered. Many of the thousands of Oregonians who have cost contract plans are in rural Oregon, where there are few options for care. The legislation I am introducing today, ''The Medicare Cost Contract Extension and Refinement Act of 2005'', would allow seniors to keep their cost contracts longer even if a Medicare Advantage plan is offered. The bill also adds more consumer protection provisions that are similar to those already in law for Medicare Advantage plans. I believe that it is not only important to ensure seniors have choices, but that they can keep the choice that works best for them as well. 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. 1403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Cost Contract Extension and Refinement Act of 2005''.

SEC. 2. EXTENSION OF REASONABLE COST CONTRACTS.

(a) EXTENSION OF PERIOD REASONABLE COST PLANS CAN REMAIN IN THE MARKET.—Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii) is amended—

(1) in the matter preceding subclause (I)—

(A) by striking ''January 1, 2008'' and inserting ''January 1, 2012'';

(B) by striking ''year'' and inserting ''two years''; and

(C) by inserting ''entirely'' after ''was'';

(2) in subclause (I), by inserting '', provided that all such plans are not offered by the same Medicare Advantage organization'' before the semicolon at the end; and

(3) in subclause (II), by inserting '', provided that all such plans are not offered by the same Medicare Advantage organization'' before the semicolon at the end.

(b) EXTENSION OF PERIOD REASONABLE COST PLANS CAN EXPAND THEIR SERVICE AREA.—Section 1876(h)(5)(B)(i) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(B)(i)) is amended to read as follows:

''(i) the conditions for prohibiting an extension or renewal of a contract under subparagraph (C)(ii) are not applicable to such service area at the time of the application.''.

SEC. 3. APPLICATION OF CERTAIN MEDICARE ADVANTAGE REQUIREMENTS TO COST CONTRACTS EXTENDED OR RENEWED AFTER 2003.

Section 1876(h) of the Social Security Act (42 U.S.C. 1395mm(h)), as amended by section (2), is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

''(5)(A) Any reasonable cost reimbursement contract with an eligible organization under this subsection that is extended or renewed on or after the date of enactment of the Medicare Cost Contract Extension and Refinement Act of 2005 shall provide that the provisions of the Medicare Advantage program under part C described in subparagraph (B) shall apply to such organization and such contract in a substantially similar manner as such provisions apply to Medicare Advantage organizations and Medicare Advantage plans under such part.

''(B) The provisions described in this subparagraph are as follows:

''(i) Section 1851(d) (relating to the provision of information to promote informed choice).

''(ii) Section 1851(h) (relating to the approval of marketing material and application forms).

''(iii) Section 1852(a)(3)(A) (regarding the authority of organizations to include mandatory supplemental health care benefits under the plan subject to the approval of the Secretary).

''(iv) Section 1852(e) (relating to the requirement of having an ongoing quality improvement program and treatment of accreditation in the same manner as such provisions apply to Medicare Advantage local plans that are preferred provider organization plans).

''(v) Section 1852(j)(4) (relating to limitations on physician incentive plans).

''(vi) Section 1854(c) (relating to the requirement of uniform premiums among individuals enrolled in the plan).

''(vii) Section 1854(g) (relating to restrictions on imposition of premium taxes with respect to payments to organizations).

''(viii) Section 1856(b)(3) (relating to relation to State laws).

''(ix) Section 1857(i) (relating to Medicare Advantage program compatibility with employer or union group health plans).

''(x) The provisions of part C relating to timelines for contract renewal and beneficiary notification.''.

By Mr. BOND:

S. 1404. A bill to clarify that terminal development grants remain in effect under certain conditions; to the Committee on Commerce, Science, and Transportation.

Mr. BOND. Mr. President, I rise today to introduce legislation that will allow for the continued expansion of non-primary hub airports across the country.

The simple fact of the matter is that demand for commercial air service in and out of many of these smaller non-primary hub airports is far exceeding the current operational capacity at these airports. Expanded airfield and terminal capacity at these airports are desperately needed to meet the growing demand for air service in these high growth communities.

The Springfield/Branson Metropolitan Area in Southwest Missouri is a classic example of one of these high growth communities where demand for air service is exceeding the current operational capacity of area's primary regional airport.

The city of Springfield is the economic hub for 26 Missouri Counties with a population of approximately 1 million people. Over the last 10 years, the population of the Springfield area has increased by more than twice the annual growth rate experienced by the State of Missouri.

The Springfield metropolitan workforce has grown by more than 27 percent the past 10 years, and is projected to grow by 18 percent over the next ten years. Annual regional tourism accounts for over 2.2 million visitors in Springfield and over 7 million annual visitors to the booming Branson area.

Because of the tremendous growth in this region, demand for an air service in and out of the Springfield/Branson Regional Airport is soaring. The current airport is experiencing great difficulty in trying to keep up with the growing demand for air service in this region. The capacity at the current airport is virtually at its maximum.

The FAA has already approved the Springfield Regional Airport Master Plan and completed an environmental assessment for this plan. So far, the FAA has invested over $7 million in the planning and design for this project. Further funding for this project will be needed to fund the expansion of air-side apron, runways, taxiways and limited eligible components of the terminal.

In order to ensure that this essential project goes forward and that previous Federal tax dollars are not wasted, I am introducing legislation that will clarify the status of the Springfield Regional Airport as a non-hub primary airport.

This legislation states that if the status of a non-hub primary airport changes to a small hub primary airport at a time when the airport has already received FAA discretionary funds for a terminal development project—and this project is not yet completed—then the project shall remain eligible for funding from the discretionary fund and the small airport fund to pay costs allowable under section 47110(d) of Title 49. Such an airport project will remain eligible for these funds for three fiscal years after the start of construction of the project, or, if the Secretary determines that a further extension of eligibility is justified, until the project is completed.

This legislation will ensure that the ongoing expansion projects of smaller airports across the country will continue in order to accommodate the growing demand for additional airfield and terminal capacity at these airports.

By Mr. NELSON of Nebraska (for himself, Mr. SANTORUM, and Mr. CORZINE):

S. 1405. A bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation; to the Committee on Finance.

Mr. NELSON of Nebraska. Mr. President, today I am introducing the ''Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2005'' to make changes to a rule issued by the Centers for Medicare and Medicaid Services, (CMS) that would threaten the ability of rehabilitation hospitals to continue to provide critical care.

In my home State of Nebraska, Madonna Rehabilitation Hospital in Lincoln is a nationally-recognized premier rehabilitation facility that offers specialized programs and services for those who have suffered brain injuries, strokes, spinal cord injuries, and other rehabilitating injuries. If this rule is not updated, Madonna would not be able to offer the same critical care to its patients as it currently does.

When CMS first looked at whether facilities would qualify as an inpatient rehabilitation facility (IRF), a list of criteria was created to determine eligibility. The criteria, generally referred to as the ''75 Percent Rule,'' were first established in 1984. Initially ten categories were given. When the Rule was revised last year, three categories were added. To qualify as an IRF under the 75 Percent Rule, 75 percent of a facility's patients must be receiving treatment in one of these specified conditions.

On its face, it appeared that CMS expanded the Rule last year by increasing the number of conditions from 10 to 13 and giving facilities a phase-in period to adjust to the changes. Initially the threshold for compliance was set at 50 percent for the first year and continues to rise until it reaches 75 percent in July 2007.

Facilities are struggling to even meet the 50 percent compliance rate in part because the expansion of categories is illusory. The rule will, by CMS' own estimate, shift thousands of patients—both Medicare and non-Medicare—into alternative care settings that may be inappropriate. CMS projected a patient loss of 1,170 admissions in FY 2005. A recent Moran Company report showed that in the first year alone, hospitals have been forced to deny care to between 25,000–40,000 patients to maintain compliance with the new 75 Percent Rule. By the fourth year of the Rule, IRFs will be forced to turn away one out of every three patients in order to operate as a rehabilitation hospital or unit.

My legislation will ensure that patients across America will continue to have access to the rehabilitative care they need, and that experts in this community are organized to advise and make recommendations to Congress and the appropriate Federal agencies based on the realities and challenges facing the rehabilitative field today and in the future. The legislation provides an additional two years at the 50 percent threshold to give facilities additional time to adjust to the new categories and sets up a commission to advise Federal agencies on rehabilitative care and what categories are appropriate to be included in the 75 Percent Rule.

I am pleased that many prestigious organizations have joined me in supporting the legislation. The American Hospital Association, the American Academy of Physical Medicine and Rehabilitation, the Federation of American Hospitals, the American Medical Rehabilitation Providers Association and numerous other associations and advocacy groups have endorsed the legislation. Just as I have heard from patients and medical providers who have experienced problems with this Rule, the members of these associations are also witnessing the devastating effect the Rule is having on those who need this critical care. In addition, Senator SANTORUM is co-sponsoring this bipartisan effort.

I urge my colleagues to support this legislation, and I look forward to its passage.

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. 1405

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 ''Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2005''.

SEC. 2. EFFECT ON ENFORCEMENT OF REGULATIONS.

(a) IN GENERAL.—Notwithstanding section 412.23(b)(2) of title 42, Code of Federal Regulations, during the period beginning on July 1, 2005, and ending on the date that is 2 years after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') shall not—

(1) require a compliance rate, pursuant to the criterion (commonly known as the ''75 percent rule'') that is used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility (as defined in the rule published in the Federal Register on May 7, 2004, entitled ''Medicare Program; Final Rule; Changes to the Criteria for Being Classified as an Inpatient Rehabilitation Facility'' (69 Fed. Reg. 25752)), that is greater than the 50 percent compliance threshold that became effective on July 1, 2004;

(2) change the designation of an inpatient rehabilitation facility in compliance with the 50 percent threshold; or

(3) conduct medical necessity review of inpatient rehabilitation facilities using any guidelines, such as fiscal intermediary Local Coverage Determinations, other than the national criteria established in chapter 1, section 110 of the Medicare Benefits Policy Manual.

(b) RETROACTIVE STATUS AS AN INPATIENT REHABILITATION FACILITY; PAYMENTS; EXPEDITED REVIEW.—The Secretary shall establish procedures for—

(1) making any necessary retroactive adjustment to restore the status of a facility as an inpatient rehabilitation facility as a result of subsection (a);

(2) making any necessary payments to inpatient rehabilitation facilities based on such adjustment for discharges occurring on or after July 1, 2005 and before the date of enactment of this Act; and

(3) developing and implementing an appeals process that provides for expedited review of any adjustment to the status of a facility as an inpatient rehabilitation facility made during the period beginning on July 1, 2005 and ending on the date that is 2 years after the date of enactment of this Act.

SEC. 3. NATIONAL ADVISORY COUNCIL ON MEDICAL REHABILITATION.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COUNCIL.—The term ''Advisory Council'' means the National Advisory Council on Medical Rehabilitation established under subsection (b).

(2) APPROPRIATE FEDERAL AGENCIES.—The term ''appropriate Federal agencies'' means—

(A) the Agency for Healthcare Research and Quality;

(B) the Centers for Medicare & Medicaid Services;

(C) the National Institute on Disability and Rehabilitation Research; and

(D) the National Center for Medical Rehabilitation Research.

(b) ESTABLISHMENT.—Pursuant to section 222 of the Public Health Service Act (42 U.S.C. 217a), the Secretary shall establish an advisory panel to be known as the ''National Advisory Council on Medical Rehabilitation''.

(c) MEMBERSHIP.—

(1) APPOINTMENT.—The Advisory Council shall be composed of 17 members, of whom—

(A) 9 members shall be appointed by the Secretary, in consultation with the medical rehabilitation community, from a diversity of backgrounds, including—

(i) physicians;

(ii) medicare beneficiaries;

(iii) representatives of inpatient rehabilitation facilities; and

(iv) other practitioners experienced in rehabilitative care; and

(B) 8 members, not more than 4 of whom are members of the same political party, shall be appointed jointly by—

(i) the Majority Leader of the Senate;

(ii) the Minority Leader of the Senate;

(iii) the Speaker of the House of Representatives;

(iv) the Minority Leader of the House of Representatives;

(v) the Chairman and the Ranking Member of the Committee on Finance of the Senate; and

(vi) the Chairman and the Ranking Member of the Committee on Ways and Means of the House of Representatives.

(2) DATE.—Members of the Advisory Council shall be appointed not later than 30 days after the date of enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Council. A vacancy on the Advisory Council shall be filled not later than 30 days after the date on which the Advisory Council is given notice of the vacancy, in the same manner as the original appointment.

(4) MEETINGS.—

(A) INITIAL MEETING.—The Advisory Council shall conduct an initial meeting not later than 120 days after the date of enactment of this Act.

(B) MEETINGS.—The Advisory Council shall conduct such meetings as the Council determines to be necessary to carry out its duties but shall meet not less frequently than 2 times during each calendar year.

(d) DUTIES.—The duties of the Advisory Council shall include the following:

(1) ADVICE AND RECOMMENDATIONS.—Providing advice and recommendations to—

(A) Congress and the Secretary concerning the coverage of rehabilitation services under the medicare program, including—

(i) policy issues related to rehabilitative treatment and reimbursement for rehabilitative care, such as issues relating to any rulemaking relating to, or impacting, rehabilitation hospitals and units;

(ii) the appropriate criteria for—

(I) determining clinical appropriateness of inpatient rehabilitation facility admissions; and

(II) distinguishing an inpatient rehabilitation facility from an acute care hospital and

other providers of intensive medical rehabilitation;

(iii) the efficacy of inpatient rehabilitation services, as opposed to other post-acute inpatient settings, through a comparison of quality and cost, controlling for patient characteristics (such as medical severity and motor and cognitive function) and discharge destination;

(iv) the effect of any medicare regulations on access to inpatient rehabilitation care by medicare beneficiaries and the clinical effectiveness of care available to such beneficiaries in other health care settings; and

(v) any other topic or issue that the Secretary or Congress requests the Advisory Council to provide advice and recommendations on; and

(B) appropriate Federal agencies (as defined in subsection (a)(3)) on how to best utilize available research funds and authorities focused on medical rehabilitation research, including post-acute care site of service and outcomes research.

(e) PERIODIC REPORTS.—The Advisory Council shall provide the Secretary with periodic reports that summarize—

(1) the Council's activities; and

(2) any recommendations for legislation or administrative action the Council considers to be appropriate.

(f) TERMINATION.—The Advisory Council shall terminate on September 30, 2010.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(h) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

By Mr. CORNYN:

S. 1406. A bill to protect American workers and responders by ensuring the continued commercial availability of respirators and to establish rules governing product liability actions against manufacturers and sellers of respirators; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise today to introduce the ''Respirator Access Assurance Act of 2005.'' This legislation is not a complex or lengthy proposal, but it is critically important for our men and women in uniform, our first responders, and the American public as we continue to wage the war on terror. It is designed to protect the companies that manufacture respirators from abusive litigation—the very respirators that we need for protection against life-threatening environmental hazards and contaminates.

Even as we continue today to debate important appropriations legislation for the Department of Homeland Security, the many American manufacturers and sellers of one of the types of equipment necessary in the war on terror and for our first responders generally—respirators—are being forced by misdirected litigation to decide whether to abandon that market.

Since the year 2000, American respirator manufacturers have experienced an avalanche of mass lawsuits in which thousands of plaintiffs claim they suffered lung damage from respirators because of defective designs and/or failure to provide adequate warnings. Between 2000 and 2004, well over 300,000 individual claims have been filed against major respirator manufacturers. Many of these people show no symptoms of illness.

Respirator manufacturers are included among dozens of defendants in these lawsuits, despite some very important facts. First, respirators don't cause lung disease—employers are legally responsible for providing the right respirator to an employee for the environment in which the employee will be working. Respirator manufacturers have no role in that decision. Second, respirators are 100 percent regulated by the U.S. Government. The National Institute for Occupational Safety and Health, or NIOSH, sets the design standards for respirators, tests every product in its own labs, approves all warning labels, and monitors the manufacturing process to be sure respirators meet the standards for which they were designed.

Perhaps most troubling is the extent to which these claims track very closely with the recent explosion of asbestos and silicosis claims. Recently, a number of ethical questions surrounding many of these claims have come to light.

In my home State of Texas, a Federal court in Corpus Christi under the watch of Judge Janis Graham Jack, has been trying to sort out a few thousand of these cases. That Multi-District Litigation has turned up evidence of fraud—in Judge Jack's words—''great red flags of fraud,'' and highlights attempts by some to recycle plaintiffs who have already recovered in asbestos litigation by claiming they also have silicosis, which is a virtual medical impossibility.

Just today, the Wall Street Journal ran an editorial highlighting this ''tort scam.'' As it points out, ''Judge Jack not only blasted nearly everyone of the 10,000 silicosis claims in front of her court, she documented the fraudulent means by which lawyers, doctors, and screening companies had manufactured the claims.'' She said, ''These diagnoses were about litigation rather than health care . . . these diagnoses were manufactured for money.''

I ask unanimous consent that the Wall Street Journal editorial be printed in the RECORD.

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

[From the Wall Street Journal, July 14, 2005]

THE SILICOSIS SHERIFF

If the criminal investigation of class-action titan Milberg Weiss is anything to go by, prosecutors may finally be starting to hold the trial bar accountable for its legal abuses. Another good sign is that a separate federal grand jury, this one in New York, is investigating the ringleaders of the latest tort scam, silicosis.

Much of the credit for pointing the grand jury toward this corruption goes to Texas federal Judge Janis Graham Jack, who last month put the brakes on the silicosis machine with an extraordinary 249-page decision. Judge Jack not only blasted nearly every one of the 10,000 silicosis claims in front of her court, she documented the fraudulent means by which lawyers, doctors and screening companies had manufactured the claims. ''These diagnoses were about litigation rather than health care,'' wrote Judge Jack. ''These diagnoses were manufactured for money.''

Perfectly said, and we only wish the fearless, judge had been around to render a similar verdict back when the asbestos blob got rolling. It was that juggernaut, largely blessed by the courts, that first allowed trial lawyers to co-opt doctors to create millions of phony claims and extort billions out of corporate defendants. Encouraged by this success, the trial bar revved up the same machinery for silicosis, an occupational lung disease that can be fatal but has been in decline for decades.

It was the fact of this decline that got Judge Jack's attention. A former nurse, she couldn't understand how a disease that causes on average fewer than 200 deaths annually in the U.S. had suddenly resulted in more than 20,000 claims from Mississippi and surrounding states. To get to the bottom of the suits against some 250 companies, the Clinton appointee held 20 months of pretrial proceedings. What she found was a gigantic attempted swindle.

Her first discovery was that, of the more than 9,000 plaintiffs who supplied more information about their ''disease,'' 99% had been diagnosed with silicosis by the same nine doctors. These physicians had been retained by law firms or by ''screening companies'' that do mass X-rays on behalf of law firms searching for plaintiffs. When these physicians were deposed, they all but admitted they took their orders from the lawyers and screening firms.

Which explains why none of them took a medical history, while others never even saw their patients. One doctor signed blank forms for the screening company and let his secretary fill out the diagnoses. Yet another performed 1,239 diagnostic evaluations in 72 hours—less than four minutes apiece. Dr. George Martindale, who diagnosed 3,617 patients with silicosis, admitted that he didn't even know the criteria for diagnosing the disease and had simply included in each of his reports a paragraph provided by the screening company.

Another shocker was that more than 65% of the silica plaintiffs had previously been plaintiffs in an asbestos suit, even though it is close to clinically impossible to have both asbestosis and silicosis. Digging deeper, the judge found that many of the same doctors had ginned up the same patients for both asbestos and silicosis cases. One doctor, Ray Harron, received nearly $5 million from 1996–2004 from a leading screening company, N&M, and has supplied thousands of silicosis diagnoses, and at least 52,000 asbestos-related diagnoses.

Representatives from N&M admitted in court that they had no medical training and that their company has never had a medical director. They confirmed that law firms often set the criteria for the silicosis screening process, and that the screening companies were paid by the volume of people who ultimately joined a lawsuit. As N&M owner Heath Mason testified, his business depended on doing ''large numbers.''

Judge Jack reserved her most severe criticism for the lawyers, noting that statistics alone should have shown that their case defied ''all medical knowledge and logic,'' and that by bringing it regardless they had exhibited a ''reckless disregard of the duty owed to the court.'' She required the Houston firm of O'Quinn, Laminack & Pirtle to pay the defendants' $825,000 in legal fees, and ordered sanctions. She also made clear she was on to the tort bar's tactics, noting that the ''clear motivation'' was ''to inflate the

number of plaintiffs and overwhelm the defendants and the judicial system.''

Judge Jack did not shy away from the word ''fraud'' in her courtroom, and clearly someone at the Justice Department has been paying attention. A Manhattan grand jury is now investigating at least one of the screening companies, and subpoenas have gone out to at least two of the doctors involved.

Which shows how large a public service Judge Jack has performed. She could easily have followed other judges and accepted these mass claims at face value. Instead, she dug into the individual claims and found the corruption underneath. In doing so, she has not only stalled the entire silicosis scam, she's opened the door to probing millions of asbestos claims that have come before. The lawyers could attempt to retry their dismissed claims in state court, though amid a grand jury probe they might prefer that this whole issue go away.

Over the years, too many judges have allowed tort lawyers to hijack their courtrooms to perpetrate legal fraud. Judge Jack is showing what good comes when judges truly care about justice.

This level of fraud must be brought to the attention of the American people. The extent to which this type of behavior is the norm rather than the exception is troubling, to say the least. And the breadth of this abuse extends so far now that it endangers the manufacturing of masks for the American people—and people through the world for that matter—who need to protect themselves from airborne contaminants. Thousands of lawsuits have been directed toward these manufacturers—largely indiscriminately.

Many of these cases might someday be dismissed or settled for a few hundred dollars to avoid protracted litigation, but the costs of getting to that point are enormous. Respirator companies have already incurred millions of dollars in litigation and settlement costs, and even after years of arguing in multiple State and local courts they still face hundreds of thousands of individual claims. The costs of this litigation burden are both unjustified and destructive.

Most of the net income these companies receive from respirator sales is being eaten up in litigation costs. Some respirator companies have already decided it is not worth it and have stopped selling in the commercial market, and others are contemplating the same thing. If U.S. manufacturers drop out of the market, those who need respirators will have to use imports, which may be of lower quality and less reliable, or use nothing at all. In either case we are letting this unfounded litigation burden pose additional risk to millions of Americans who need these devices to do their jobs and protect themselves, and all of us, from untold harm.

That is why I am introducing this legislation today. The Act provides respirator manufacturers with protection from the legal costs associated with defending claims for which the manufacturers should bear no liability. It provides that a respirator manufacturer may not be subject to any claim for defective design or warning relating to a respirator or any claim based on such an allegation if the respirator has received NIOSH approval, and the respirator complied with the NIOSH-approved design and labeling in effect on the date of manufacture. This protection would continue notwithstanding a subsequent action by NIOSH to modify, supercede, or withdraw the approval. In addition, we have taken extra measures to clarify that there are exceptions in the Act that would permit liability to be imposed if the initial approval was obtained through fraud, misrepresentation, or bribery.

This is a simple bill that will not cost the government a penny, will not deprive any deserving plaintiff of the right to sue those who may have caused him or her harm, and will assure that this vital industry continues to be an American industry for a long time to come.

I look forward to working with my colleagues to move this proposal forward.

Mr. President, I ask unanimous consent that an article from the Houston Chronicle be printed in the RECORD.

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

[From the Houston Chronicle, July 1, 2005]

FEDERAL JUDGE THROWS OUT THOUSANDS OF SILICA DIAGNOSES

CORPUS CHRISTI.—A federal judge has recommended throwing out all but one of about 10,000 diagnoses of the lung ailment silicosis that were used in lawsuits against industrial companies, ruling that doctors ''manufactured'' findings of the disease in hundreds of cases.

U.S. District Judge Janis Graham Jack's scathing 249-page opinion, signed Thursday, finds that the diagnoses are inadmissible in court. The bulk of the cases originate in Mississippi, and Jack sent them back to the state courts along with her report. She threw out the approximately 100 Texas cases that she felt she had jurisdiction over.

Jack's ruling also orders sanctions against Houston law firm O'Quinn, Laminack & Pirtle, which brought roughly 2,000 of the suits. Lawyers from the firm did not immediately return a call for comment today.

A doctor testifying before Jack in December withdrew thousands of his diagnoses, saying he only briefly scanned X-rays to give what he thought was a second opinion on the degenerative diseases caused by inhaling quartz dust.

His withdrawal, made during consolidated pretrial proceedings for lawsuits from several states, prompted Jack to order every doctor and ''screening company'' to back up the diagnoses in the lawsuits. More doctors withdrew their diagnoses, and after hearings in February Jack said she sensed ''red flags of fraud'' in the way plaintiffs were recruited. ''These diagnoses were driven by neither health nor justice,'' Jack wrote in her opinion Thursday. ''They were manufactured for money.''

Danny Mulholland, a Mississippi-based defense attorney for Ingersoll-Rand Co. and other companies, said the opinion was ''historic'' in an age where law firms recruit plaintiffs with billboards and television ads.

''I think the way litigation has been done, and particularly mass tort litigation, changed with the February hearings which culminated in this order,'' he said. ''We'll have to go back in state court and win there, but we expect to, based on what Judge Jack has found.''

By Mr. NELSON of Florida (for himself and Mrs. CLINTON):

S. 1407. A bill to provide grants to States and local governments to assess the effectiveness of sexual predator electronic monitoring programs; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, I rise today on behalf of myself and Senator HILLARY RODHAM CLINTON of New York, to introduce the Jessica Lunsford and Sarah Lunde Act. This bill will provide grants for State and local governments to purchase the technology they need to enhance monitoring of sexual predators.

This bill and the grants it provides are named after two young girls from Florida, Jessica Lunsford and Sarah Lunde, who were both murdered by convicted sex offenders. As the Lunsford and Lunde families mourned these two beautiful girls, the Nation grieved with them. We are all united in our desire to make sure that everything can be done to prevent this from ever happening again. I hope this bill will serve as a living memorial to Jessica Lunsford and Sarah Lunde, and serve as some comfort to their families, as the grants in their names provided in this bill will allow law enforcement to help prevent other families from suffering similar tragedies.

Jessica Lunsford of Homosassa, FL, was a nine-year-old girl abducted from her home, raped, and then buried alive by a convicted sex offender who lived 150 feet from her home. Law enforcement had lost track of her confessed murderer and did not know that he worked at the nearby school that Jessica attended, despite his being a registered sex offender. A few weeks following the news of this tragedy, 13-year-old Sarah Lunde of Ruskin, FL, was murdered by her mother's ex-boyfriend. He is also a convicted sex offender.

The Jessica Lunsford and Sarah Lunde grants provided for in this bill will allow States and local government to purchase electronic monitoring systems, like global positioning systems, that will provide law enforcement with real time information on the whereabouts of sex offenders released from prison to within 10 feet of their location. Law enforcement will be able to restrict the movements of sex offenders by programming these systems to alert authorities if a sex offender goes to a park, amusement park, elementary school or other areas determined to be off-limits. The ankle-bracelets used to monitor their movement are tamper proof and will alert law enforcement in the event that an offender has removed it so law enforcement can immediately act to apprehend the offender.

In the United States there are an estimated 380,000 registered sex offenders, although thousands have disappeared, according to authorities. We have over

30,000 of these sex offenders in the State of Florida. In response to the recent tragedies in Florida, Idaho, and North Dakota, several States have enacted stronger laws to protect our children from sex predators. In Florida, for example, the legislature passed a law that will provide tougher sentences for child sex offenders, and aid law enforcement in effectively monitoring those sex offenders. This law will require sex offenders, released back into our communities, to wear a bracelet that will have a global positioning system track them.

I applaud the initiative by Florida, and other States seeking to pass similar laws, and I believe that it is important that there is an appropriate Federal response that will be supportive of the States and local governments that are addressing this problem. To be effective, tough laws on these sexual predators of children must be properly funded, and I believe these tough laws being passed by state legislatures are worth properly funding when they will protect our children.

The Jessica Lunsford and Sarah Lunde Act will support State and local governments that, like Florida, are attempting to protect their children by providing greater monitoring tools for law enforcement. This bill will provide a total of $30 million in grants to States to help implement State laws to get tougher on sex offenders released back into their communities with electronic monitoring technology. The bill will provide for $10 million in grants for fiscal years 2006 through 2008. The bill then directs the Attorney General to provide a report to Congress assessing the effectiveness of the program and making recommendations as to future funding levels.

There are no silver bullets to stop sexual predators from preying on our children, but I believe that tough laws, such as the new Florida statute, are going to go a long way in preventing sex offenders from re-offending.

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. 1407

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 ''Jessica Lunsford and Sarah Lunde Act''.

SEC. 2. SEXUAL PREDATOR MONITORING PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Attorney General is authorized to award grants (referred to as ''Jessica Lunsford and Sarah Lunde Grants'') to State and local governments to assist such States and local governments in—

(A) carrying out programs to outfit sexual offenders with electronic monitoring units; and

(B) the employment of law enforcement officials necessary to carry out such programs.

(2) DURATION.—The Secretary shall award grants under this Act for a period not to exceed 3 years.

(b) APPLICATION.—

(1) IN GENERAL.—Each State or local government desiring a grant under this Act shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this Act is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this Act.

SEC. 3. INNOVATION.

In making grants under this Act, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

SEC. 4. DEFINITION.

In this Act, the term ''sexual offender'' means an offender 18 years of age or older who commits a sexual offense against a minor.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2008 to carry out this Act.

(b) REPORT.—Not later than April 1, 2008, the Attorney General shall report to Congress—

(1) assessing the effectiveness and value of programs funded by this Act;

(2) comparing the cost-effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(3) making recommendations for continuing funding and the appropriate levels for such funding.

By Mr. SMITH (for himself, Mr. NELSON of Florida, Mr. STEVENS, Mr. INOUYE, Mr. MCCAIN, and Mr. PRYOR):

S. 1408. A bill to strengthen data protection and safeguards, require data breach notification, and further prevent identity theft; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today with Senators BILL NELSON, STEVENS, INOUYE, MCCAIN, and PRYOR to introduce the Identity Theft Protection Act of 2005. The introduction of this bill has been a bipartisan effort and I thank my colleagues on the Senate Commerce Committee for helping to negotiate a fair and balanced bill.

Identity theft is one of the fastest growing crimes in America. It is estimated that over 10 million Americans are victims of some form of identity theft each year. The total cost of this crime approaches $50 billion per year, with the average loss from the misuse of a victim's personal information being almost $5,000. In 2004 alone, consumers who were victims of ID theft spent a total of 297 million hours resolving problems that arose from the crime.

Every year, the FTC compiles a list of the top 10 categories of fraud-related complaints. Identity theft has topped that list of complaints each of the past 5 years. My own State of Oregon ranks ninth in the Nation for fraud complaints and identity theft.

Data breaches are becoming an increasingly common type of identity theft that affects millions of consumers nationwide. Last year, there were at least 43 known incidents of security breaches, potentially affecting over 9 million individuals. These breaches range from sloppy record keeping and security procedures by companies to extremely sophisticated online thefts by computer hackers.

Our bipartisan bill ensures that businesses and organizations have the proper security procedures in place to safeguard consumers' sensitive and personal information. This legislation requires any entity that acquires, maintains or utilizes sensitive personal information to have a security program to safeguard such data. Furthermore, we require these entities to verify the credentials of third parties seeking personal and sensitive information and require strict disposal and transfer procedures for such information.

It is imperative that consumers be notified of any potential breach in the security of their personal information. The cost of an incident of identity theft, both in terms of out-of-pocket expense and time spent resolving problems, is significantly smaller if the misuse of the victim's personal information is discovered quickly.

Our bill requires consumer notification if a data breach results in a significant risk of identity theft. Individuals will be notified immediately when any significant breach has occurred. Any breach affecting a minimum of 1,000 individuals also requires the entity to report the breach to the FTC and all the consumer reporting agencies.

We realize that an individual's Social Security Number deserves the utmost security and protection against fraud, manipulation, and theft. To that end, this bill restricts the collection of and access to Social Security Numbers by limiting the solicitation of Social Security Numbers and prohibiting their display on employee and student identification cards.

In addition, our bill will allow consumers to place, lift, and temporarily remove a security freeze on their credit, which would prevent credit from being extended to third parties without authorization from the consumer. We would also pre-empt state law to create uniformity and compliance by businesses and organizations.

Protecting sensitive information is an issue of great importance for all Americans so we are requiring the FTC to establish an Information Working Group comprised of industry participants, consumer groups, and other interested parties to develop best practices to protect sensitive personal information.

Consumers should have confidence when they share their information with others that their information will be protected. At the same time, the ability of legitimate companies to access personal information facilitates commerce and continues to have important benefits to consumers.

We believe our legislation strikes the appropriate balance between ensuring

the continued existence of these critical services and guaranteeing the security of consumer's personal information. I urge my colleagues to co-sponsor this important legislation to protect consumers from future breaches of identity theft.

I ask unanimous consent that the text of legislation be printed in the RECORD.

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

S. 1408

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 ''Identity Theft Protection Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. PROTECTION OF SENSITIVE PERSONAL INFORMATION.

(a) IN GENERAL.—In accordance with regulations prescribed by the Federal Trade Commission under subsection (b), a covered entity shall take reasonable steps to protect against security breaches and to prevent unauthorized access to sensitive personal information the covered entity sells, maintains, collects, or transfers.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commission shall promulgate regulations to implement subsection (a), including regulations that—

(1) require covered entities to develop, implement, and maintain an effective information security program that contains administrative, technical, and physical safeguards for sensitive personal information, taking into account the use of technological safeguards, including encryption, truncation, and other safeguards available or being developed for such purposes;

(2) require procedures for verifying the credentials of any third party seeking to obtain the sensitive personal information of another person; and

(3) require disposal procedures to be followed by covered entities that—

(A) dispose of sensitive personal information; or

(B) transfer sensitive personal information to third parties for disposal.

SEC. 3. NOTIFICATION OF SECURITY BREACH RISK.

(a) SECURITY BREACHES AFFECTING 1,000 OR MORE INDIVIDUALS.—

(1) IN GENERAL.—If a covered entity discovers a breach of security and determines that the breach of security affects the sensitive personal information of 1,000 or more individuals, then, before conducting the notification required by subsection (b), it shall—

(A) report the breach to the Commission (or other appropriate Federal regulator under section 5); and

(B) notify all consumer reporting agencies described in section 603(p)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)(1)) of the breach.

(2) FTC WEBSITE PUBLICATIONS.—Whenever the Commission receives a report under paragraph (1)(A), it shall post a report of the breach of security on its website without disclosing any sensitive personal information or the names of the individuals affected.

(b) NOTIFICATION OF CONSUMERS.—Whenever a covered entity discovers a breach of security and determines that the breach of security has resulted in, or that there is a basis for concluding that a reasonable risk of identity theft to 1 or more individuals, the covered entity shall notify each such individual.

(c) METHODS OF NOTIFICATION; NOTICE CONTENT.—Within 1 year after the date of enactment of this Act, the Commission shall promulgate regulations that establish methods of notification to be followed by covered entities in complying with the requirements of this section and the content of the notices required. In promulgating those regulations, the Commission shall take into consideration the types of sensitive personal information involved, the nature and scope of the security breach, other appropriate factors, and the most effective means of notifying affected individuals.

(d) TIMING OF NOTIFICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), notice required by subsection (a) shall be given—

(A) in the most expedient manner practicable;

(B) without unreasonable delay, but not later than 90 days after the date on which the breach of security was discovered by the covered entity; and

(C) in a manner that is consistent with any measures necessary to determine the scope of the breach and restore the security and integrity of the data system.

(2) LAW ENFORCEMENT AND HOMELAND SECURITY RELATED DELAYS.—Notwithstanding paragraph (1), the giving of notice as required by that paragraph may be delayed for a reasonable period of time if—

(A) a Federal law enforcement agency determines that the timely giving of notice under subsections (a) and (b), as required by paragraph (1), would materially impede a civil or criminal investigation; or

(B) a Federal national security or homeland security agency determines that such timely giving of notice would threaten national or homeland security.

SEC. 4. SECURITY FREEZE.

(a) In General.—

(1) EMPLACEMENT.—A consumer may place a security freeze on his or her credit report by making a request to a consumer credit reporting agency in writing or by telephone.

(2) CONSUMER DISCLOSURE.—If a consumer requests a security freeze, the consumer credit reporting agency shall disclose to the consumer the process of placing and removing the security freeze and explain to the consumer the potential consequences of the security freeze.

(b) EFFECT OF SECURITY FREEZE.—

(1) RELEASE OF INFORMATION BLOCKED.—If a security freeze is in place on a consumer's credit report, a consumer reporting agency may not release information from the credit report to a third party without prior express authorization from the consumer.

(2) INFORMATION PROVIDED TO THIRD PARTIES.—Paragraph (2) does not prevent a consumer credit reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report. If a third party, in connection with an application for credit, requests access to a consumer credit report on which a security freeze is in place, the third party may treat the application as incomplete.

(c) REMOVAL; TEMPORARY SUSPENSION.—

(1) IN GENERAL.—Except as provided in paragraph (4), a security freeze shall remain in place until the consumer requests that the security freeze be removed. A consumer may remove a security freeze on his or her credit report by making a request to a consumer credit reporting agency in writing or by telephone.

(2) CONDITIONS.—A consumer credit reporting agency may remove a security freeze placed on a consumer's credit report only—

(A) upon the consumer's request, pursuant to paragraph (1); or

(B) if the agency determines that the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer.

(3) NOTIFICATION TO CONSUMER.—If a consumer credit reporting agency intends to remove a freeze upon a consumer's credit report pursuant to paragraph (2)(B), the consumer credit reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

(4) TEMPORARY SUSPENSION.—A consumer may have a security freeze on his or her credit report temporarily suspended by making a request to a consumer credit reporting agency in writing or by telephone and specifying beginning and ending dates for the period during which the security freeze is not to apply to that consumer's credit report.

(d) RESPONSE TIMES; NOTIFICATION OF OTHER ENTITIES.—

(1) IN GENERAL.—A consumer credit reporting agency shall—

(A) place a security freeze on a consumer's credit report under subsection (a) no later than 5 business days after receiving a request from the consumer under subsection (a)(1); and

(B) remove, or temporarily suspend, a security freeze within 3 business days after receiving a request for removal or temporary suspension from the consumer under subsection (c).

(2) NOTIFICATION OF OTHER COVERED ENTITIES.—If the consumer requests in writing or by telephone that other covered entities be notified of the request, the consumer reporting agency shall notify all other consumer reporting agencies described in section 603(p)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)(1)) of the request within 3 days after placing, removing, or temporarily suspending a security freeze on the consumer's credit report under subsection (a), (c)(2)(A), or subsection (c)(4), respectively.

(3) IMPLEMENTATION BY OTHER COVERED ENTITIES.—A consumer reporting agency that is notified of a request under paragraph (2) to place, remove, or temporarily suspend a security freeze on a consumer's credit report shall place, remove, or temporarily suspend the security freeze on that credit report within 3 business days after receiving the notification.

(e) CONFIRMATION.—Whenever a consumer credit reporting agency places, removes, or temporarily suspends a security freeze on a consumer's credit report at the request of that consumer under subsection (a) or (c), respectively, it shall send a written confirmation thereof to the consumer within 10 business days after placing, removing, or temporarily suspending the security freeze on the credit report. This subsection does not apply to the placement, removal, or temporary suspension of a security freeze by a consumer reporting agency because of a notification received under subsection (d)(2).

(f) ID REQUIRED.—A consumer credit reporting agency may not place, remove, or temporarily suspend a security freeze on a consumer's credit report at the consumer's request unless the consumer provides proper identification (within the meaning of section

610(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681h) and the regulations thereunder.

(g) EXCEPTIONS.—This section does not apply to the use of a consumer credit report by any of the following:

(1) A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument.

(2) Any Federal, State or local agency, law enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, or subpoena.

(3) A child support agency or its agents or assigns acting pursuant to subtitle D of title IV of the Social Security Act (42 U.S.C. et seq.) or similar State law.

(4) The Department of Health and Human Services, a similar State agency, or the agents or assigns of the Federal or State agency acting to investigate medicare or medicaid fraud.

(5) The Internal Revenue Service or a State or municipal taxing authority, or a State department of motor vehicles, or any of the agents or assigns of these Federal, State, or municipal agencies acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of their other statutory responsibilities.

(6) The use of consumer credit information for the purposes of prescreening as provided for by the Federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

(7) Any person or entity administering a credit file monitoring subscription to which the consumer has subscribed.

(8) Any person or entity for the purpose of providing a consumer with a copy of his or her credit report or credit score upon the consumer's request.

(h) FEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), a consumer credit reporting agency may charge a reasonable fee, as determined by the Commission, for placing, removing, or temporarily suspending a security freeze on a consumer's credit report.

(2) ID THEFT VICTIMS.—A consumer credit reporting agency may not charge a fee for placing, removing, or temporarily suspending a security freeze on a consumer's credit report if—

(A) the consumer is a victim of identity theft; and

(B) the consumer has filed a police report with respect to the theft.

(i) LIMITATION ON INFORMATION CHANGES IN FROZEN REPORTS.—

(1) IN GENERAL.—If a security freeze is in place on a consumer's credit report, a consumer credit reporting agency may not change any of the following official information in that credit report without sending a written confirmation of the change to the consumer within 30 days after the change is made:

(A) Name.

(B) Date of birth.

(C) Social Security number.

(D) Address.

(2) CONFIRMATION.—Paragraph (1) does not require written confirmation for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address.

(j) CERTAIN ENTITY EXEMPTIONS.—

(1) AGREGATORS AND OTHER AGENCIES.—The provisions of subsections (a) through (h) do not apply to a consumer credit reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the data base of another consumer credit reporting agency or multiple consumer credit reporting agencies, and does not maintain a permanent data base of credit information from which new consumer credit reports are produced.

(2) OTHER EXEMPTED ENTITIES.—The following entities are not required to place a security freeze in a credit report:

(A) A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments.

(B) A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution.

SEC. 5. ENFORCEMENT.

(a) ENFORCEMENT BY COMMISSION.—Except as provided in subsection (c), this Act shall be enforced by the Commission.

(b) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this Act shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) ENFORCEMENT BY CERTAIN OTHER AGENCIES.—Compliance with this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601 and 611), by the Board; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation;

(3) the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the National Credit Union Administration Board with respect to any Federal credit union; and

(4) the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) by the Securities and Exchange Commission with respect to—

(A) a broker or dealer subject to that Act;

(B) an investment company subject to the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); and

(C) an investment advisor subject to the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.).

(d) EXERCISE OF CERTAIN POWERS.—For the purpose of the exercise by any agency referred to in subsection (c) of its powers under any Act referred to in that subsection, a violation of this Act is deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (c), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(e) PENALTIES.—

(1) IN GENERAL.—Notwithstanding section 5(m) of the Federal Trade Commission Act (15 U.S.C. 45(m)), the Commission may not obtain a civil penalty under that section for a violation of this Act in excess of—

(A) $11,000 for each such individual; and

(B) $11,000,000 in the aggregate for all such individuals with respect to the same violation.

(2) OTHER AUTHORITY NOT AFFECTED.—Nothing in this Act shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(f) NO PRIVATE CAUSE OF ACTION.—Nothing in this Act establishes a private cause of action against a covered entity for the violation of any provision of this Act.

(g) COMPLIANCE WITH GRAMM-LEACH-BLILEY ACT.—Any person to which title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) applies shall be deemed to be in compliance with the notification requirements of this Act with respect to a breach of security if that person is in compliance with the notification requirements of that title with respect to that breach of security.

SEC. 6. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of this Act, or to impose the civil penalties authorized by section 5, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a covered entity that violates this Act or a regulation under this Act.

(b) NOTICE.—The State shall serve written notice to the Commission (or other appropriate Federal regulator under section 5) of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission (or other appropriate Federal regulator under section 5) may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the covered entity operates;

(B) the covered entity was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with a covered entity in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission (or other appropriate Federal agency under section 5) has instituted a civil action or an administrative action for violation of this Act, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this Act alleged in the complaint.

(g) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

SEC. 7. PREEMPTION OF STATE LAW.

(a) IN GENERAL.—This Act preempts any State or local law, regulation, or rule that requires a covered entity—

(1) to develop, implement, or maintain information security programs to which this Act applies; or

(2) to notify individuals of breaches of security regarding their sensitive personal information.

(b) LIABILITY.—This Act preempts any State or local law, regulation, rule, administrative procedure, or judicial precedent under which liability is imposed on a covered entity for failure—

(1) to implement and maintain an adequate information security program; or

(2) to notify an individual of any breach of security pertaining to any sensitive personal information about that individual.

(c) SECURITY FREEZE.—This Act preempts any State or local law, regulation, or rule that requires consumer reporting agencies to impose a security freeze on consumer credit reports at the request of a consumer.

SEC. 8. SOCIAL SECURITY NUMBER PROTECTION.

(a) PROHIBITION OF UNNECESSARY SOLICITATION OF SOCIAL SECURITY NUMBERS.—No covered entity may solicit any social security number from an individual unless there is a specific use of the social security number for which no other identifier reasonably can be used.

(b) PROHIBITION OF THE DISPLAY OF SOCIAL SECURITY NUMBERS ON EMPLOYEE IDENTIFICATION CARDS, ETC..—

(1) IN GENERAL.—No covered entity may display the social security number (or any derivative of such number) of an individual on any card or tag that is commonly provided to employees (or to their family members), faculty, staff, or students for purposes of identification.

(2) DRIVER'S LICENSES.—A State may not display the social security number of an individual on driver's licenses issued by that State.

(c) PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as amended by subsection (b), is amended by adding at the end the following new clause:

''(xi) No executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof (or person acting as an agent of such an agency or instrumentality) may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility.''.

(2) TREATMENT OF CURRENT ARRANGEMENTS.—In the case of—

(i) prisoners employed as described in clause (xi) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as added by paragraph (1), on the date of enactment of this Act, and

(ii) contracts described in such clause in effect on such date,

the amendment made by this section shall take effect 90 days after the date of enactment of this Act.

SEC. 9. INFORMATION SECURITY WORKING GROUP.

(a) INFORMATION SECURITY WORKING GROUP.—The Chairman of the Commission shall establish an Information Security Working Group to develop best practices to protect sensitive personal information stored and transferred. The Working Group shall be composed of industry participants, consumer groups, and other interested parties.

(b) REPORT.—Not later than 12 months after the date on which the Working Group is established under subsection (a), the Working Group shall submit to Congress a report on their findings.

SEC. 10. DEFINITIONS.

In this Act:

(1) BREACH OF SECURITY.—The term ''breach of security'' means unauthorized access to and acquisition of data in any form or format containing sensitive personal information that compromises the security or confidentiality of such information and establishes a basis to conclude that a reasonable risk of identity theft to an individual exists.

(2) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(3) CONSUMER CREDIT REPORTING AGENCY.—The term ''consumer credit reporting agency'' means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing credit reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing credit reports.

(4) COVERED ENTITY.—The term ''covered entity'' means a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity, and any charitable, educational, or nonprofit organization, that acquires, maintains, or utilizes sensitive personal information.

(5) CREDIT REPORT.—The term ''credit report'' means a consumer report, as defined in section 603(d) of the Federal Fair Credit Reporting Act (15 U.S.C. 1681a(p)), that is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing a consumer's eligibility for credit for personal, family or household purposes.

(6) IDENTITY THEFT.—The term ''identity theft'' means the unauthorized acquisition, purchase, sale, or use by any person of an individual's sensitive personal information that—

(A) violates section 1028 of title 18, United States Code, or any provision of State law in *pari materia*; or

(B) results in economic loss to the individual whose sensitive personal information was used.

(7) REVIEWING THE ACCOUNT.—The term ''reviewing the account'' includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

(8) SENSITIVE PERSONAL INFORMATION.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the term ''sensitive personal information'' means an individual's name, address, or telephone number combined with 1 or more of the following data elements related to that individual:

(i) Social security number, taxpayer identification number, or employer identification number.

(ii) Financial account number, or credit card or debit card number of such individual, combined with any required security code, access code, or password that would permit access to such individual's account.

(iii) State driver's license identification number or State resident identification number.

(iv) Consumer credit report.

(v) Employee, faculty, student, or United States armed forces serial number.

(vi) Genetic or biometric information.

(vii) Mother's maiden name.

(B) FTC MODIFICATIONS.—The Commission may, through a rulemaking proceeding, designate other identifying information that may be used to effectuate identity theft as sensitive personal information for purposes of this Act and limit or exclude any information described in subparagraph (A) from the definition of sensitive personal information for purposes of this Act.

(C) PUBLIC RECORDS.—Nothing in this Act prohibits a covered entity from obtaining, aggregating, or using sensitive personal information it lawfully obtains from public records in a manner that does not violate this Act.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission $1,000,000 for each of fiscal years 2006 through 2010 to carry out this Act.

SEC. 12. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act take effect upon its enactment.

(b) PROVISIONS REQUIRING RULEMAKING.—The Commission shall initiate 1 or more rulemaking proceedings under sections 2, 3, and 4 within 45 days after the date of enactment of this Act. The Commission shall promulgate all final rules pursuant to those rulemaking proceedings within 1 year after the date of enactment of this Act. The provisions of sections 2, 3, and 4 shall take effect on the same date 6 months after the date on which the Commission promulgates the last final rule under the proceeding or proceedings commenced under the preceding sentence.

(c) PREEMPTION.—Section 7 shall take effect at the same time as sections 2, 3, and 4 take effect.

Mr. STEVENS. Mr. President, I am pleased to join Senators INOUYE, SMITH, MCCAIN, NELSON, and PRYOR in introducing a bipartisan bill to address the growing perpetration of identity theft against American consumers. The bipartisan bill, the ''Identity Theft Protection Act,'' is the product of two Commerce Committee hearings that featured testimony from businesses that aggregate and sell consumer information as a commodity, and the full

Federal Trade Commission, FTC, which recommended much of what is contained in this legislation.

The occurrence of identity theft in the United States has reached epidemic proportions. The incidence of this crime rose 15 percent in 2002, and 80 percent in 2003. The FTC stated in February 2005 that each year nearly 10 million Americans—or roughly 4.6 percent of the domestic adult population—are victimized by identity thieves. The FTC indicates that physical and online identity theft accounted for 39 percent of the more than 635,000 consumer fraud complaints filed last year with the agency. The costs associated with identity theft are enormous. In 2003, the FTC estimated that the losses to businesses and financial institutions due to identity theft totaled $48 billion, and the out-of-pocket losses to consumers totaled $5 billion, which does not take into account the average 300 hours spent by victims restoring their good names.

This year alone, there have been at least 43 reported information breaches affecting potentially more than 9 million Americans. This string of data theft has focused the attention of Congress, consumers, and privacy proponents. It has raised questions concerning the business practices of data brokers and whether consumers' personal information is adequately protected from identity thieves. The difficulty of finding solutions to this and other types of identity theft is striking a balance between ensuring adequate security of sensitive personal information while not inhibiting the legitimate free flow of information that is vital to the domestic economy and law enforcement.

The bill that we introduce today will not end all identity theft. No legislation can accomplish that objective. But this bill would require bolstered information safeguards and ensure notification of consumers whose sensitive personal information has been acquired without authorization. More specifically, the bill, among other things, would direct the FTC to develop rules that would require all covered entities that handle sensitive personal information to develop, implement, and maintain appropriate safeguards to protect such information, and provide effective notice to consumers in the event of a breach. The bill would limit the solicitation of Social Security numbers by covered entities, and restrict employers, State agencies, or educational institutions from displaying social security numbers on identification tags for employees and students, and for drivers licenses. The bill also would allow consumers to freeze their credit for a reasonable fee to protect themselves from identity theft, and preempt similar State or local law in an effort to provide a uniform Federal standard rather than a patchwork of widely varying State or local laws.

I look forward to working with my colleagues on legislation that will mitigate to the greatest extent possible the occurrence of identity theft in this country, but without inhibiting an information sharing system that yields extraordinary benefits to every American.

By Ms. MURKOWSKI:

S. 1409. A bill to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska; to the Committee on Environment and Public Works.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will allow the Environmental Protection Agency to continue to provide grant funding and technical assistance to small, rural communities in Alaska for critical water and sewer projects. These rural communities are only accessible by either aircraft or boat.

This important funding was originally authorized as part of the Safe Drinking Water Act Amendments of 1996 and was reauthorized in 2000. The authorization for this program expires at the end of fiscal year 2005. Every fiscal year, the EPA transfers funding authorized by this program to the State of Alaska's Village Safe Water Program, which is managed by the Alaska Department of Environmental Conservation.

The water and sewer conditions in the villages in Alaska that still need this critical funding rival the conditions in rural communities in third world countries. For example, residents in some villages in Alaska have to go to a central source in the community to get fresh water. This source is usually a well. Instead of flushing toilets, residents have to use a device called a ''honeybucket.'' This device is a large bucket with a toilet seat on top. When the honeybucket is full, it is usually dumped in a lagoon or on land. Sometimes, these dump locations are near sources of drinking water.

The Village Safe Water program has been a success over the years. Many homes in Alaska's rural communities now have plumbing due to funds authorized by this program. However, thirty-three percent of homes in these communities still do not have in-house plumbing. It is unacceptable that the residents of these communities still do not have access to conventional plumbing in their homes in 2005.

Earlier this year, the Office of Management and Budget published a Program Assessment Rating Tool report concerning this program. This report found several deficiencies concerning the administration of this program. However, I have been assured that the EPA and the Alaska Department of Environmental Conservation are working closely together to correct these deficiencies.

It is imperative that we reauthorize this critically important program before the end of this fiscal year. The health and well-being of rural Alaskans is at stake.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.

Section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a) is amended—

(1) in subsection (b), by striking ''50 percent'' and inserting ''75 percent''; and

(2) in subsection (e)—

(A) by striking ''$40,000,000'' and inserting ''$45,000,000''; and

(B) by striking ''2005'' and inserting ''2010''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1222. Mr. REID (for himself, Mr. LEVIN, Mr. ROCKEFELLER, Mr. BIDEN, and Mr. SCHUMER) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

SA 1223. Mr. FRIST proposed an amendment to the bill H.R. 2360, supra.

SA 1224. Mr. REID (for Mr. BYRD (for himself and Ms. STABENOW)) proposed an amendment to the bill H.R. 2360, supra.

SA 1225. Mr. GREGG (for Mr. KENNEDY) proposed an amendment to amendment SA 1139 proposed by Mr. SESSIONS (for himself and Mr. HATCH) to the bill H.R. 2360, supra.

TEXT OF AMENDMENTS

SA 1222. Mr. REID (for himself, Mr. LEVIN, Mr. ROCKEFELLER, Mr. BIDEN, and Mr. SCHUMER) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. No Federal employee who discloses, or has disclosed, classified information, including the identity of a covert agent of the Central Intelligence Agency, to a person not authorized to receive such information shall be permitted to hold a security clearance for access to such information.

SA 1223. Mr. FRIST proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. Any federal officeholder who makes reference to a classified Federal Bureau of Investigation report on the floor of the United States Senate, or any federal officeholder that makes a statement based on an FBI agent's comments which is used as propaganda by terrorist organizations thereby putting our servicemen and women at risk, shall not be permitted access to such information or to hold a security clearance for access to such information.

SA 1224. Mr. REID (for Mr. BYRD (for himself and Ms. STABENOW)) proposed

an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 81, line 24, increase the first amount by $50,000,000.

On page 82, line 4, after ''tion'' insert ''*Provided further*, That an additional $50,000,000 shall be available to carry out section 33 (15 U.S.C. 2229)''.

On page 77, line 20, increase the amount by $20,000,000.

On page 77, line 24, after ''grants'' insert '', and of which at least $20,000,000 shall be available for interoperable communications grants''.

On page 85, line 18, after ''expended'' insert '':*Provided* That the aforementioned sum shall be reduced by $70,000,000''.

On page 82, line 21, strike 11$5,000,000'' and insert ''3,000,000''.

SA 1225. Mr. GREGG (for Mr. KENNEDY) proposed an amendment to amendment SA 1139 proposed by Mr. SESSIONS (for himself and Mr. HATCH) to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 1, line 8 of the amendment, after the word ''database'', insert ''of which no less than $2,000,000 shall be for the Legal Orientation Program.''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 14, 2005, at 10 a.m., to conduct a hearing on ''The Department of Treasury's report to Congress entitled: 'Assessment: The Terrorism Risk Insurance Act of 2002.' ''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 14 at 10 a.m.

The purpose of the hearing is to consider the nominations of R. Thomas Weimer to be an Assistant Secretary of the Interior for Policy, Management and Budget, and Mark A. Limbaugh to be an Assistant Secretary of the Interior for Water and Science.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, be authorized to hold a hearing July 14, 2005 at 9:30 a.m. on the following pending nominations:

Marcus A. Peacock, of Minnesota, to be Deputy Administrator of the Environmental Protection Agency.

Susan P. Bodine, of Maryland, to be Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency.

Granta Y. Nakayama, of Virginia, to be Assistant Administrator, Office of Enforcement & Compliance Assurance, Environmental Protection Agency.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 14, 2005 at 3 p.m. to hold a hearing on Nominations.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions and the Indian Affairs Committee be authorized to hold a joint hearing during the session of the Senate on Thursday, July 14, 2005 at 2:30 p.m. in SD–430.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, July 14, 2005, at 1:30 p.m., for a hearing titled, ''Department of Homeland Security: Second Stage Review.''

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

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 14, 2005 at 9:30 a.m., in the Senate Dirksen Office Building, Room 226.

I. Bills: S. 1088, Streamlined Procedures Act of 2005—KYL, CORNYN, GRASSLEY; S. ___, Personal Data Privacy and Security Act of 2005—SPECTER, LEAHY; S. 751, Notification of Risk to Personal Data Act—FEINSTEIN; S. 1326, Notification of Risk to Personal Data Act—SESSIONS; S. 155, Gang Prevention and Effective Deterrence Act of 2005—FEINSTEIN, HATCH, GRASSLEY, CORNYN, KYL, SPECTER; S. 103, Combat Meth Act of 2005—TALENT, FEINSTEIN, KOHL; S. 1086, A Bill to Improve the National Program to Register and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses—HATCH, BIDEN; S. 956, Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005—GRASSLEY, KYL, CORNYN.

II. Matters: Senate Judiciary Committee Rules.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, July 14, 2005, at 2:30 p.m. in Room 430 of the Dirksen Senate Office Building to conduct a joint hearing with the Senate Committee on Health, Education, Labor and Pensions on S. 1057, the Indian Health Care Improvement Act Amendments of 2005.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, July 14, 2005, for a hearing to consider the nominations of James P. Terry to be Chairman of the Board of Veterans' Appeals, Department of Veterans' Affairs and Charles S. Ciccolella to be Assistant Secretary for Veterans' Employment and Training, Department of Labor.

The hearing will take place in Room 418 of the Russell Senate Office Building at 10:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 14, 2005 at 2:30 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON BIOTERRORISM AND PUBLIC HEALTH PREPAREDNESS

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Bioterrorism and Public Health Preparedness, be authorized to hold a hearing during the session of the Senate on Thursday, July 14th at 10 a.m. in SD–430.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Thursday, July 14 at 2:30 p.m.

The purpose of the hearing is to review the national park service's business strategy for operation and management of the national park system, including development and implementation of business plans, use of business consultants, and incorporating business practices into day-to-day operations.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Thursday, July 14, 2005 at 9:30 a.m. for a hearing entitled,

''Danger in the District: How Prepared Is the National Capital Region?''

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

SUBCOMMITTEE ON PERSONNEL

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Personnel be authorized to meet during the session of the Senate on July 14, 2005, at 9:30 a.m., in open session to receive testimony on military justice and detention policy in the Global War on Terrorism.

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

PRIVILEGE OF THE FLOOR

Mr. CORNYN. I ask unanimous consent to extend privileges of the floor for the remainder of the first session of the 109th Congress to Brian Fitzpatrick, a fellow in my staff.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Chris Hall 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.

MEASURE PLACED ON CALENDAR—S. 1394

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is ready for a second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1394) to reform the United Nations, and for other purposes.

Mr. MCCONNELL. Mr. President, in order to place the bill on the calendar under rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

REAUTHORIZATION OF THE CONGRESSIONAL AWARD ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 136, S. 335.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 335) to reauthorize the Congressional Award Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 335) was read the third time and passed, as follows:

S. 335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF THE CONGRESSIONAL AWARD ACT.

(a) EXTENSION OF REQUIREMENTS REGARDING FINANCIAL OPERATIONS OF CONGRESSIONAL AWARD PROGRAM; NONCOMPLIANCE WITH REQUIREMENTS.—Section 104(c)(2)(A) of the Congressional Award Act (2 U.S.C. 804(c)(2)(A)) is amended by striking ''and 2004'' and inserting ''2004, 2005, 2006, 2007, 2008, and 2009''.

(b) TERMINATION.—

(1) IN GENERAL.—Section 108 of the Congressional Award Act (2 U.S.C. 808) is amended by striking ''October 1, 2004'' and inserting ''October 1, 2009''.

(2) SAVINGS PROVISION.—During the period of October 1, 2004, through the date of the enactment of this section, all actions and functions of the Congressional Award Board under the Congressional Award Act (2 U.S.C. 801 et seq.) shall have the same effect as though no lapse or termination of the Board ever occurred.

(c) TECHNICAL AMENDMENTS.—The Congressional Award Act is amended—

(1) in section 103 (2 U.S.C. 803)—

(A) in subsection (a)(1) (B) and (C), by striking ''a a local'' and inserting ''a local''; and

(B) in subsection (b)(3)(B), by striking ''section'' each place it appears and inserting ''subsection''; and

(2) in section 104(c)(2)(A) (2 U.S.C. 804(c)(2)(A)), by inserting a comma after ''1993''.

ORDER FOR PRINTING—H.R. 6

Mr. MCCONNELL. Mr. President, I ask unanimous consent that H.R. 6 be printed as passed.

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

ORDERS FOR FRIDAY, JULY 15, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, July 15. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period for morning business until 10 a.m., with Senators permitted to speak for up to 10 minutes each; provided further that at 10 a.m., the Senate proceed to the consideration of Calendar No. 158, H.R. 3057, the Foreign Operations bill, as provided under the previous order.

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

PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow, the Senate will begin consideration of the Foreign Operations appropriations bill. Senator LEAHY and I will be here and ready for amendments. However, no votes will occur tomorrow. The next vote will be on Monday about 5:30 p.m. I anticipate the vote will be in relation to an amendment offered either Friday or next Monday to the Foreign Operations bill.

We are also attempting to clear some executive nominations, and a vote or votes may be necessary early next week on those nominations.

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 8:21 p.m., adjourned until Friday, July 15, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 14, 2005:

DEPARTMENT OF HOMELAND SECURITY

STEWART A. BAKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY. (NEW POSITION)

TRACY A. HENKE, OF MISSOURI, TO BE EXECUTIVE DIRECTOR OF THE OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, DEPARTMENT OF HOMELAND SECURITY, VICE C. SUZANNE MENCER, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DUNCAN J. MCNABB, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN F. GOODMAN, 0000

IN THE NAVY

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 commander

WILLIAM D. BRYAN, 0000
JAMES R. PELTIER, 0000
BILLY W. SLOAN, 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 commander

BRUCE H. BOYLE, 0000
JON J. BRZEK, 0000
GARY W. CLORE, 0000
ALFONSO J. CONCHA, 0000
WAYNE A. MACRAE, 0000
PHILIP J. PELIKAN, 0000
LYNN E. PETERSON, 0000
LOUIS ROSA, 0000
JONATHAN M. SMITH, 0000
BRADLEY E. TELLEEN, 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 commander

JEFFREY G. ANT, 0000
SPIROS APOSTOLAKIS, 0000
BRIAN E. BEHARRY, 0000
FRANK A. BIVINS, 0000
DANIEL A. BROWN, 0000
PETER C. COLELLA, 0000
MASOUD EGHTEDARI, 0000
ADOLPH C. GARZA, 0000
SCOTT E. HALUSKA, 0000
NADJMEH M. HARIRI, 0000
JAMES M. HILL, 0000
JONATHAN B. JUNKIN, 0000
NEVANNA I. KOICHEFF, 0000
JOSEPH B. MICHAEL, 0000
JOSEPH D. MOLINARO, 0000
JOHN P. MOON, 0000
KEVIN T. PRINCE, 0000

BRIAN K. RITTER, 0000
FLOYD I. SANDLIN III, 0000
GEORGE D. SELLOCK, 0000
BRADLEY J. SMITH, 0000
JONATHAN M. STAHL, 0000
JERRY TORRES, 0000
SAM J. WESTOCK, 0000
BENJAMIN W. YOUNG, JR., 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 commander

SYED N. AHMAD, 0000
WILLIAM M. BOLAND, 0000
JEFFREY C. CASLER, 0000
FRANK A. COLON, 0000
DAVID E. DOW, 0000
DANIEL E. ELDREDGE, 0000
CHRISTOPHER C. FRENCH, 0000
BARRY L. HARRISON, 0000
DAVID M. HARRISON, 0000
ANDREW H. HENDERSON, 0000
LAWRENCE D. HILL, JR., 0000
SHELBY L. HLADON, 0000
MARY C. L. HORRIGAN, 0000
ALBERT S. JANIN IV, 0000
ROBERT F. JOHNSON, 0000
FRANK T. KATZ, 0000
JAMES C. KRASKA, 0000
KRISTIN E. KUBAS, 0000
ANGELA S. MILLER, 0000
JILLIAN L. MORRISON, 0000
MARY E. B. MOSS, 0000
KEVIN R. ONEIL, 0000
ROBERT J. ONEILL, 0000
TRACY V. RIKER, 0000
LISA B. SULLIVAN, 0000
SCOTT F. THOMPSON, 0000
DAVID G. WILSON, 0000
BARBARA H. ZELIFF, 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 commander

ANTHONY A. ARITA, 0000
DALE A. BAKER, 0000
BRYAN L. BELL, 0000
KEVIN R. BRADSHAW, 0000
EDDY R. BUENO, 0000
DAVID T. CLONTZ, 0000
STEPHEN L. COOLEY, 0000
ERIC E. CUNHA, 0000
DONNA L. DAVISURGO, 0000
DOUGLAS H. DOUGHTY, JR., 0000
LYNN T. DOWNS, 0000
DEBRA L. DUNCAN, 0000
LEE A. FORDYCE, 0000
TYRONE E. GILMORE, 0000
PEDRO G. GUZMAN, 0000
ERIC R. HALL, 0000
ROY L. HENDERSON, 0000
BRIAN M. HERSHEY, 0000
EDWARD J. HILYARD, 0000
KURT J. HOUSER, 0000
BARBARA R. IDONE, 0000
STEVEN M. JEFFS, 0000
JOHN A. LAMBERTON, 0000
MARCUS S. LARKIN, 0000
CARLOS I. LEBRON, 0000
RICHARD E. MAKARSKI, 0000
RONALD R. MARTEL, 0000
SHIRLEY A. MAXWELL, 0000
DAVID L. MCKAY, 0000
DAVID D. MULLARKEY, 0000
BRADLEY B. PHILLIPS, 0000
WENDY H. PINKHAM, 0000
JACQUELINE PRUITT, 0000
SHANNON D. PUTNAM, 0000
LYNDA M. RACE, 0000
STEPHEN T. RICHARDSON, 0000
CORAZON D. ROGERS, 0000
GLORIA A. RUSSELL, 0000
GEORGE B. SCHOELER, 0000
GINA M. SIEGWORTH, 0000
PETER P. TOLAND, JR., 0000
CAMERON L. WAGGONER, 0000
THOMAS C. WHIPPEN, 0000
LINDA D. YOUBERG, 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 commander

JAMES T. ALBRITTON, 0000
ROGELIO E. ALVAREZ, 0000
PAUL A. AMODIO, 0000
STEPHEN E. ARMSTRONG, 0000
ELIZABETH A. BEATY, 0000
EDWIN F. BOGDANOWICZ, 0000
GREGORY L. BOOTH, 0000
ROBERT A. BROOKS, JR., 0000
JEFFREY C. BROWN, 0000
KYLE A. BRYAN, 0000
EDWARD T. BUTZIRUS, 0000
JOHN D. CASSANI, 0000
WANDA A. CORNELIUS, 0000
TIMOTHY L. DANIELS, 0000
DAVID L. DEVLIN, 0000
STANLEY DOBBS, 0000
SONYA I. EBRIGHT, 0000
KRISTEN B. FABRY, 0000
KENNETH FINLEY, 0000
MARK A. FRIERMOOD, 0000
FRANK W. FUTCHER, 0000
RONALDO D. GIVENS, 0000
MARK R. GOODRICH, 0000
THOMAS J. GORMAN, JR., 0000
JAMES C. GOUDREAU, 0000
PHILIPPE J. GRANDJEAN, 0000
LESLIE T. HUFFMAN, 0000
TIMOTHY R. JETT, 0000
STACEY L. JONES, 0000
BERNARD D. KNOX, 0000
EMERY J. KUTNEY, JR., 0000
DAVID J. LARAMIE, 0000
ANDREA L. LEMON, 0000
JEFFERY J. MASON, 0000
ANDREW M. MATTHEWS, 0000
GARY A. MCINTOSH, 0000
MAURICE F. MEAGHER, 0000
PHILIP A. MURPHY-SWEET, 0000
RICHARD NALWASKY, 0000
PATRICK J. OCONNOR, 0000
CHRISTOPHER D. PARKER, 0000
KERRY L. PEARSON, 0000
PAUL P. RABANAL, 0000
GERALD P. RAIA, 0000
JOHN M. RYAN, 0000
JEFFREY A. SCHMIDT, 0000
ERIC J. SCHOCH, 0000
WILLIAM W. SCOTT, JR., 0000
EDWARD M. SHINE, 0000
ERIC S. STUMP, 0000
ALVIN L. SWAIN, JR., 0000
TROY D. TERRONEZ, 0000
JOHN B. THERIAULT, 0000
THOMAS J. VERRY, 0000
TODD E. WASHINGTON, 0000
KURT J. WENDELKEN, 0000
MARTY T. WILLIAMS, 0000
DIANA J. WILSON, 0000
RAYMOND P. WILSON, 0000
TODD E. YANIK, 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 commander

THOMAS C. ALEWINE, 0000
ADAM W. ARMSTRONG, 0000
JONATHAN G. BAKER, 0000
CHARLES R. BENSON, 0000
MARK D. BENTON, 0000
ERIK W. BERGMAN, 0000
DAVID T. BEVERLY IV, 0000
MICHAEL A. BIDUS, 0000
TRACY R. BILSKI, 0000
STEVEN M. BLACKWELL, 0000
STEVEN J. BLIVIN, 0000
DAVID C. BLOOM, 0000
TAMMY L. K. BLOOM, 0000
PRODROMOS G. BORBOROGLU, 0000
RUSTY C. BRAND, 0000
RONALD B. BURBANK, 0000
LLOYD G. BURGESS, 0000
TIMOTHY H. BURGESS, 0000
EDWARD G. BUTLER II, 0000
DONALD R. CARR, 0000
WILLIAM R. CARTER, 0000
ROBERT A. CATANIA, 0000
JEFFREY J. CAVENDISH, 0000
DOUGLAS D. CLARKE, 0000
JEFFREY C. CLEARY, 0000
PATRICK W. CLYDE, 0000
EUGENIO G. CONCEPCION II, 0000
ANTHONY A. CORSINI, 0000
SCOTT A. COTA, 0000
SAMUEL D. CRITIDES, JR., 0000
GILBERT M. CSUJA, 0000
LESLIE D. CUNNINGHAM, 0000
SURJYA P. DAS, 0000
SCOTT M. DEEDS, 0000
NANCY R. DELANEY, 0000
PAUL J. DEMIERI, 0000
DARIN L. DINELLI, 0000
GERALD F. DONOVAN, 0000
BARBARA J. DROBINA, 0000
MARGARET T. DUPREE, 0000
GREGORY D. EBERHART, 0000
KURT R. EICHENMULLER, 0000
CARL C. EIERLE, 0000
ERIC A. ELSTER, 0000
DAN E. FISHER, 0000
BRIAN T. FITZGERALD, 0000
KIM M. FORMAN, 0000
JOHN J. FROIO, 0000
KIRK P. GASPER, 0000
ERIC M. GESSLER, 0000
SAWSAN GHURANI, 0000
CARLOS D. GODINEZ, 0000
MARK M. GOTO, 0000
JONATHAN C. GROH, 0000
JAY R. GROVE, 0000
JAMES M. GRUESKIN, 0000
CARLOS GUEVARRA, 0000
TIMOTHY W. HALENKAMP, 0000
GREGORY P. HARBACH, 0000
JOHN V. HARDAWAY, 0000
JAMES F. HARRIS, 0000
STELLA M. HAYES, 0000
RUSSELL B. HAYS, JR., 0000
KEITH G. HOLLEY, 0000
KARINE M. HOLLISPERRY, 0000
CHRIS B. HYUN, 0000
ROBERT D. JACKSON, 0000
RICHARD H. JADICK, 0000
CHRISTINE L. JOHNSON, 0000
ROBERT W. JOHNSON, 0000
ERIC J. KASOWSKI, 0000
MICHAEL D. KAZEL, 0000
JANET R. KEAIS, 0000
SEAN R. KELLY, 0000
LISA A. KELTY, 0000
MATHIAS J. KILL, 0000
MARK KOSTIC, 0000
LORI M. KREVETSKI, 0000
GRAINGER S. LANNEAU, JR., 0000
DAVID S. LESSER, 0000
CHRISTOPHER T. LEWIS, 0000
TINA T. LIEBIG, 0000
MATTHEW L. LIM, 0000
GEORGE P. LINVILLE, 0000
ROBERT J. LIPSITZ, 0000
JOHN W. LOVE, 0000
SCOTT A. LUZI, 0000
TODD J. MAY, 0000
MICHAEL T. MAZUREK, 0000
KEVIN F. MCCARTHY, 0000
JEFFREY D. MCGUIRE, 0000
DAVID B. MCLEAN, 0000
WENDELL Q. MEW, 0000
DEANA J. MILLER, 0000
ELIZABETH A. MORAN, 0000
KENNETH F. MORE, 0000
LORRAINE S. NADKARNI, 0000
BENFORD O. NANCE, 0000
THOMAS J. NELSON, 0000
PETER J. PARK, 0000
ROBIN J. PARKER, 0000
SHELLEY K. PERKINS, 0000
KYLE PETERSEN, 0000
MATTHEW M. POGGI, 0000
RODNEY C. PRAY, 0000
CHRISTOPHER H. REED, 0000
PAUL L. REED, 0000
EDWARD A. REEDY, 0000
AMY M. REESE, 0000
PAUL B. ROACH, 0000
ALLISON J. ROBINSON, 0000
THOMAS D. ROBINSON, 0000
KIMBERLY W. ROMAN, 0000
ANDREW A. RUSNAK, 0000
MICHAEL B. RUSSO, 0000
HERMAN M. SACKS, 0000
MCHUGH L. A. SAVOIA, 0000
JAMES W. SCHAFFER, 0000
MARK A. SCHMIDHEISER, 0000
KATHRYN SCHMIDT, 0000
ERIK J. SCHWEITZER, 0000
KIRBY J. SCOTT, 0000
CRAIG S. SELF, 0000
GEORGE J. SEMPLE, 0000
ERIC M. SERGIENKO, 0000
DAVID SHAPIRO, 0000
CRAIG D. SHEPPS, 0000
WILLIAM T. SHIMEALL, 0000
ALFRED F. SHWAYHAT, 0000
PATRICK L. SINOPOLE, 0000
LLOYD W. SLOAN, 0000
CLIFFORD L. SMITH, 0000
CAROL SOLOMON, 0000
DANIEL J. SOLOMON, 0000
BRETT V. SORTOR, 0000
SEAN D. SULLIVAN, 0000
JOANNE M. SUTTON, 0000
FREDERIC R. SYLVIA, 0000
BRUCE J. TAYLOR, JR., 0000
JIM T. TRAN, 0000
JACK W. L. TSAO, 0000
PATRICIA F. TURNER, 0000
ANDREW F. VAUGHN, 0000
TODD L. WAGNER, 0000
GRANT C. WALLACE, 0000
DAVID K. WEBER, 0000
STEVEN E. WEINSTEIN, 0000
KENNETH WELLS, 0000
ROLAND O. WILLOCK, 0000
CHARLES E. WILSON, 0000
JEFFREY WINEBRENNER, 0000
DIANA B. WISEMAN, 0000
DOUGLAS YIM, 0000
TARA J. ZIEBER, 0000

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DEANNA HANEK ABDEEN, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

WORTH SHIPLEY ANDERSON, OF VIRGINIA
ERIN PATRICIA ANNA, OF COLORADO
JEFFREY A. ARNOLD, OF WASHINGTON
JOHN M. ASHWORTH, OF TEXAS
KURT WILLIAM AUFDERHEIDE, OF VIRGINIA
RAFFI V. BALIAN, OF VIRGINIA
MICHAEL JUSTIN BELGRADE, OF CALIFORNIA
DAVID B. BERNS, OF THE DISTRICT OF COLUMBIA
THOMAS BOUGHTER, OF PENNSYLVANIA
JEFFERY L. BOURNES, OF VIRGINIA
JASON A. BRENDEN, OF MINNESOTA
JOHN EDWARD CAVENESS, OF GEORGIA
VALERIE JUDITH CHITTENDEN, OF MARYLAND
BRENT T. CHRISTENSEN, OF TEXAS

ANTHONY WAYNE CLARE, OF COLORADO
THOMAS CLIFTON DANIELS, OF TEXAS
PAUL STUART DEVER, OF FLORIDA
DION SHANNON DORSEY, OF TEXAS
JEAN C. DUGGAN, OF NEW YORK
BRINILLE ELIANE ELLIS, OF NEW YORK
MICHAEL PATRICK ELLSWORTH, OF CONNECTICUT
HEIDI BARTLETT EVANS, OF ALABAMA
JASON S. EVANS, OF OKLAHOMA
RALPH W. FALZONE, OF MARYLAND
SCOTT GENE FEEKEN, OF KANSAS
TRESSA RAE FINERTY, OF NEW YORK
NATASHA S. FRANCESCHI, OF CALIFORNIA
MICHAEL GARCIA, OF FLORIDA
STEPHEN ANDREW GUICE, OF TENNESSEE
HEIDI LYNN HANNEMAN, OF VIRGINIA
WILLIAM C. HENDERSON, OF VIRGINIA
IAN T. HILLMAN, OF IOWA
BELINDA K. JACKSON, OF VIRGINIA
MARC CHRISTOPHER JACKSON, OF VIRGINIA
BERNT B. JOHNSON, OF FLORIDA
JENNIFER L. JOHNSON, OF FLORIDA
ILA S. JURISSON, OF ARIZONA
MICHAEL CHRISTOPHER KATULA, OF RHODE ISLAND
COLLEEN PHALEN KELLY, OF KENTUCKY
ROBERT D. KING, OF MASSACHUSETTS
BROOKE E. KNOBEL, OF KANSAS
KEISHA KAMILLE LAFAYETTE, OF ALASKA
MELISSA J. LAN, OF MICHIGAN
LYNETTE C. LINDSEY, OF IOWA
CASEY KENT MACE, OF COLORADO
ELIZABETH A. MADER, OF PENNSYLVANIA
PEDRO JOSE MARTIN, OF FLORIDA
KAREN MAUREEN MCCREA, OF CALIFORNIA
NEIL SEAN MCGURTY, OF CALIFORNIA
JASON MEEKS, OF WISCONSIN
ERIC STERN MEYER, OF CALIFORNIA
TERRY D. MOBLEY, OF ARKANSAS
ELIZABETH KRENTZ MOSHER, OF VIRGINIA
ROLF A. OLSON, OF TEXAS
SEAN K. O'NEILL, OF NEW YORK
KEVIN R. OPSTRUP, OF VERMONT
ROBERT A. OSBORNE, OF MICHIGAN
FRANK KASPER PENIRIAN III, OF MICHIGAN
EMILY A. PLUMB, OF FLORIDA
ROBYN ANISE PUCKETT, OF GEORGIA
CHRISTOPHER PATRICK QUADE, OF CALIFORNIA
DEBORAH ROBINSON, OF COLORADO
MARJUT H. ROBINSON, OF TEXAS
JAMES A. RODRIGUEZ, OF VIRGINIA
SHANNON E. RUNYON, OF NEVADA
JENNIFER JAN SCHAMING-RONAN, OF VIRGINIA
AARON P. SCHEIBE, OF SOUTH DAKOTA
CONN J. SCHRADER, OF NEW YORK
PRIYADARSHI SEN, OF VIRGINIA
BRIAN ANTHONY SHOTT, OF VIRGINIA
MARSHA LYNNE SINGER, OF FLORIDA
MAUREEN A. SMITH, OF CONNECTICUT
RYAN DOUGLAS STONER, OF NEW YORK
JULIE MARIE STUFFT, OF OHIO
MELISSA A. SWEENEY, OF WASHINGTON
NANCY SZALWINSKI, OF TEXAS
AMY NOEL TACHCO, OF NEW YORK
DANIEL J. TIKVART, OF VIRGINIA
ALEXANDER J. TITOLO, OF NEW YORK
BYRON F. TSAO, OF TEXAS
SHARON UMBER, OF MINNESOTA
MARK WEINBERG, OF NORTH CAROLINA
PENELOPE ANNE WILKINSON, OF NEW JERSEY
CHRISTOPHER M. WURST, OF MINNESOTA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICER OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

GREGORY WINSTON SLAYTON, OF VIRGINIA

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

ERIN C. BUTLER, OF THE DISTRICT OF COLUMBIA
JAMES K. CHAMBERS, OF OKLAHOMA
JAMES S. CRAMER, OF VIRGINIA
ROBERT W. DUNN, OF MISSOURI

DEPARTMENT OF STATE

STACY ADESSO, OF VIRGINIA
JAMAL A. AL-MUSSAWI, OF VIRGINIA
JONATHAN T. AUSTIN, OF MINNESOTA
JENNIFER A. BAH, OF ALABAMA
MATTHEW BARAZIA, OF VIRGINIA
FRANZ C. BAUERLEIN, OF VIRGINIA
JOHN C. BELLAIS, OF VIRGINIA
TODD BENSON, OF VIRGINIA
ERIK WAYNE BLACK, OF CALIFORNIA
MARK MELLAS BLISS, OF GEORGIA
NATHAN JAMES BOYACK, OF WASHINGTON
CAMERON T. BRADFORD, OF VIRGINIA
JAMES M. BREDECK, OF FLORIDA
CHRISTOPHER JUSTIN BROWN, OF VIRGINIA
BETH ANN BROWNSON, OF NEW YORK
MARY E. BUTCHKA, OF VIRGINIA
ALEXANDER B. CANTOR, OF THE DISTRICT OF COLUMBIA
SUSAN MARIE CARL, OF ALASKA
LEWIS ANTHONY CARROLL, OF NORTH CAROLINA
GLENN RICHARD CHAFETZ, OF VIRGINIA
JOSEPH FRANCIS CIAVOLA, OF THE DISTRICT OF COLUMBIA
ALEX COLON, OF VIRGINIA
JENNY REBECCA CORDELL, OF TEXAS
PRESTON W. CRISS, OF VIRGINIA
JAN MARLYS CUNNINGHAM, OF MARYLAND
NATHAN R. DEAMES, OF VIRGINIA
RACHEL ALEXANDRA DEAN, OF VIRGINIA
ANTHONY A. DEATON, OF CONNECTICUT
SARAH J. DEBBINK, OF WISCONSIN
RICHARD J. DERIENZO, OF NEW JERSEY
RONALD ANDREW DEL PRIORE, OF VIRGINIA
NIKEISHA AYANA DICK, OF VIRGINIA
ANITA KNOPP DOLL, OF NEW YORK
ANDREW T. DOMBROWSKI, OF VIRGINIA
STEPHEN A. DOYLE, OF VIRGINIA
KATHLEEN M. DUCKWORTH, OF VIRGINIA
MICHAEL A. DVORAK, OF VIRGINIA
ERIN MARIE WHITWORTH DYAL, OF VIRGINIA
MARGARET ANN EHR, OF MICHIGAN
EDWARD F. FINDLAY, OF VIRGINIA
ELI RAYMOND FRIAS, OF VIRGINIA
MARCIA HELEN FRIEDMAN, OF TEXAS
SERGIO GARCIA DE GORORDO, OF TEXAS
DANIEL H. GARRETT, OF MISSOURI
CURTIS MATTHEW GARTENMANN, OF VIRGINIA
ELAINE D. GEORGANDIS, OF MARYLAND
MAISHA MARIAH GOSS, OF THE DISTRICT OF COLUMBIA
CHRIS WALTER GRANTHAM, OF WASHINGTON
JULIET L. GREENBLATT, OF NEW YORK
JAMES MICHAEL GREENE, OF NEW MEXICO
EVAN THOMAS HAGLUND, OF THE DISTRICT OF COLUMBIA
DINA FAROUK HAMDY, OF FLORIDA
J. MICHAEL HAMMETT, OF CALIFORNIA
CHRISTOPHER STEPHEN HATTAYER, OF CONNECTICUT
KRISTIN J. HAWORTH, OF VIRGINIA
CHRISTINA J. HERNANDEZ, OF UTAH
KATHLEEN ELIZABETH HERNDON, OF VIRGINIA
JOHN WILLIAM HICKS III, OF MICHIGAN
CHRISTOPHER E. HIKADE, OF VIRGINIA
JEFFREY N. HOBBS, OF CALIFORNIA
THOMAS J. HOFER, OF VIRGINIA
SARAH K. HULL, OF MARYLAND
STEPHANIE E. JAMES, OF MICHIGAN
DAVID JEFFREY, OF WASHINGTON
DAVID J. JENDRISAK, OF NEW JERSEY
TODD S. JOHANNESSEN, OF VIRGINIA
CONNIE L. JOHNSON, OF VIRGINIA
ERIC N. JOHNSON, OF COLORADO
BENJAMIN J. KAPPES, OF VIRGINIA
ERIC M. KAPROWSKI, OF THE DISTRICT OF COLUMBIA
BRENTON V. KING, OF VIRGINIA
DAVID JAMES KLOESEL, OF TEXAS
KEVIN MATTHEW KREUTNER, OF THE DISTRICT OF COLUMBIA
ERIKA LEIGH KUENNE, OF COLORADO
DAVID S. KURTZER, OF MARYLAND
REBECCA LYNN LANDIS, OF CALIFORNIA
DANIEL B. LANGENKAMP, OF THE DISTRICT OF COLUMBIA
MAUREEN B. LATOUR, OF CALIFORNIA
MATTHEW LLOYD LEE, OF VIRGINIA
JEAN B. LEEDY, OF TEXAS
CHRISTINE LEHNERT, OF VIRGINIA
MATTHEW WILLIAM LEWIS, OF MARYLAND
AMANDA J. LILLIS, OF VIRGINIA
CARMELIA CYNTHIA MACFOY, OF ARKANSAS
RONITA M. MACKLIN, OF MARYLAND
KATRINA MARTIN, OF VIRGINIA
DANIEL S. MATTERN, OF INDIANA
MARK S. MENEFEE, OF CALIFORNIA
RUSSELL MENYHART, OF INDIANA
CHRISTOPHER MERRILL, OF THE DISTRICT OF COLUMBIA
BEVERLEY M. MITCHELL, OF NORTH CAROLINA
KENNETH A. MOSKOW, OF THE DISTRICT OF COLUMBIA
HART GABRIEL NELSON, OF MISSOURI
MARLENE MONFILETTO NICE, OF FLORIDA
TIMOTHY P. O'CONNOR, OF PENNSYLVANIA
SOOHEE OH, OF VIRGINIA
PAUL M. ONDIAK, OF VIRGINIA
MATTHEW S. PAPE, OF VIRGINIA
DARBY A. PARLIAMENT, OF COLORADO
CHRISTOPHER BRENT PATCH, OF UTAH
MARGARET HOLLIS PEIRCE, OF FLORIDA
ELLEN PETERSON, OF NEW YORK
JOHN PETTE, OF GEORGIA
MARK ANTHONY PETZOLT, OF VIRGINIA
JOSIAH THOMAS PIERCE, OF WYOMING
MOLLY KATHLEEN PLEDGE, OF VIRGINIA
PETER LUKE POLLIS, OF MICHIGAN
JEFFREY N. POWELL, OF VIRGINIA
CHRISTOPHER A. REPOLI, OF VIRGINIA
CYNTHIA STONE RICHARDS, OF VIRGINIA
IVAN RIOS, OF MARYLAND
KRISTIN M. ROBERTS, OF WASHINGTON
LINDA LEE ROSALIK, OF UTAH
MARK ROSENSHIELD, OF THE DISTRICT OF COLUMBIA
LASHELLE F. ROUNDTREE, OF MARYLAND
MOLLY M. SANCHEZ CROWE, OF ARIZONA
DRINA R. SCHROEDER, OF MARYLAND
JENNIFER M. SCHUELER, OF ILLINOIS
MIRIAM LYNNE SCHWEDT, OF THE DISTRICT OF COLUMBIA
JOHN M. SECCO, OF VIRGINIA
KAREN M. SINCLAIR, OF VIRGINIA
ALEXIS LYNN SMITH, OF COLORADO
CHRISTOPHER WELBY SMITH, OF VIRGINIA
REBECCA JANE STEWARD, OF ILLINOIS
WENDELL M. STILLS, OF VIRGINIA
MARK AUGUST TERVAKOSKI, OF THE DISTRICT OF COLUMBIA
KIRSTEN ELLEN THOMPSON, OF OREGON
TESSA KATHARINE VAN TIL, OF MICHIGAN
MICHAEL B. VEZZETTI, OF VIRGINIA
RIMA JANINA VYDMANTAS, OF GEORGIA
PAUL F. WEATHERWAX, OF VIRGINIA
ROBERT R. WEZDENKO, OF VIRGINIA
SARAH RUTH WILLIAMS, OF NORTH CAROLINA
RYAN DAVID WIRTZ, OF FLORIDA
CHRISTOPHER ERIC WRIGHT, OF VIRGINIA
YUVAL JOSEPH ZACKS, OF VIRGINIA
LUKE VARIAN ZAHNER, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED: CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

PETER ALAN PRAHAR, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE INTERNATIONAL BROADCASTING BUREAU FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED: CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

GAINES R. JOHNSON, OF WEST VIRGINIA
JAMES M. LAMBERT, OF FLORIDA