

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 14, 2002.

To the Senate:

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

ROBERT C. BYRD,  
President pro tempore.

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

#### RECOGNITION OF THE ACTING MAJORITY LEADER

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

#### SCHEDULE

Mr. REID. Mr. President, the chairman of the Commerce Committee has just come into the Chamber. As the Chair will announce, we will have a rollcall vote at approximately 10:30 this morning.

Upon the conclusion of that action on the conference report on Port Security, the Senate will resume consideration of H.R. 5005, the homeland security legislation. Prior to that, however, Senator SANTORUM is going to be recognized to offer a UC. And it is my understanding that Senator CANTWELL is also going to be recognized to offer a unanimous consent request.

Currently pending is a Gramm substitute amendment and a Lieberman first-degree amendment to the homeland security legislation. Cloture was filed on the Gramm amendment and on the bill itself. Therefore, Senators have until 1 p.m. today to file first-degree amendments to that legislation.

Mr. President, the Senate is also expected to consider other important legislation today. We understand that last night the House took to the Rules Committee the conference report on bankruptcy, which we have been waiting for for more than a year, and also the terrorism insurance conference report, legislation we have been trying to complete for more than a year. So we should be able to complete those two matters. It may be necessary, on one of them, to file a cloture motion, but that would be determined at a subsequent time.

So other votes could occur over the course of today's session. Certainly on Friday there will be votes with respect to cloture and maybe other items.

#### RESERVATION OF LEADER TIME

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

#### MARITIME TRANSPORTATION SECURITY ACT OF 2002—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will now proceed to the consideration of the conference report to accompany S. 1214, which the clerk will report.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1214), to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes, having met, have agreed that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment and the House agree to the same, signed by all conferees on the part of both Houses.

The Senate proceeded to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 13, 2002.)

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 60 minutes for debate on the conference report, with the time to be equally divided and controlled between the chairman and ranking member of the Commerce Committee.

The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, first, I ask for the yeas and nays on the conference report.

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

There appears to be a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the American public is most familiar with airline, highway and rail transportation. But perhaps the most vulnerable link in our transportation system is the component that few Americans ever see: our major seaports.

Our 361 sea and river ports handle 95 percent of U.S. international trade. These ports annually transfer more than 2 billion tons of freight—often in huge containers from ships that discharge directly onto trucks and railcars that immediately head onto our highways and rail systems. But less than 2 percent of those 5 million containers are ever checked by customs or law enforcement officials.

That is a gaping hole in our national security that must be fixed. That is why the Senate passed The Port and Maritime Security Act of 2001 in December of 2001 and the House and Senate have filed the conference report on the Maritime Transportation Security Act of 2002.

Before discussing the specifics of this conference report, I want to discuss the vulnerabilities at America's seaports:

Lloyd's List International reported that a NATO country's intelligence service has identified 20 merchant vessels believed to be linked to Osama bin Laden. Those vessels are now subject to seizure in ports all over the world. Some of the vessels are thought to be owned outright by bin Laden's business

interests, while others are on long-term charter. The Times of London reported that bin Laden used his ships to import into Kenya the explosives used to destroy the U.S. embassies in Kenya and Tanzania.

A suspected member of the al-Qaida terrorist network was arrested in Italy after he tried to stow-away in a shipping container heading to Toronto. The container was furnished with a bed, a toilet, and its own power source to operate the heater and recharge batteries. According to the Toronto Sun, the man also had a global satellite telephone, a laptop computer, an airline mechanics certificate, and security passes for airports in Canada, Thailand and Egypt.

In October, a French-flagged tanker was attacked by terrorists in a manner very similar to the speed boat attack on the USS *Cole* in 2000. The attack caused 60,000 tons of oil to be released into the waters off Yemen and killed one crew member.

These stories really bring home this issue of seaport security. Except for those of us who live in port cities like Charleston, people often do not think about their ports—the ports that load industrial and consumer goods onto trucks and railroad cars heading directly to their hometowns. But making these ports more secure is vital to protecting our national security. The destruction that can be accomplished through security holes at our seaports potentially exceed any other mode of transportation. And yet we have failed to make seaport security a priority.

Most Americans would be surprised to discover that until the provisions in this bill there has been no unified federal plan for overseeing the security of the international borders at our seaports. And that's what seaports are: international borders that must be protected as well as our land borders with Canada and Mexico.

The U.S. Coast Guard and U.S. Customs Service are doing an outstanding job, but they are outgunned. In the year 2000, we imported 5.5 million trailer truckloads of cargo. Due to that volume, the U.S. Customs Service is only able to inspect between 1 to 2 percent of containers. In other words, potential terrorists and drug smugglers have a 98 percent chance of randomly importing illegal and dangerous materials.

Senator BOB GRAHAM a few years ago convinced President Clinton to appoint a commission to look at seaport security. At the time, the main focus of port security was stopping illegal drugs, the smuggling of people, and cargo theft. While those problems still exist, the new—and very real—threat of terrorism strikes right at the heart of our national defense.

The Interagency Commission on Crime and Security at U.S. Seaports issued a report a year ago that said security at U.S. seaports “ranges from poor to fair.” Let me repeat that: 17 federal agencies reviewed our port security system and found it in poor shape.

According to the Commission:

Control of access to the seaport or sensitive areas within the seaports is often lacking. Practices to restrict or control the access of vehicles to vessels, cargo receipt and delivery operations, and passenger processing operations at seaports are either not present or not consistently enforced, increasing the risk that violators could quickly remove cargo or contraband. Many ports do not have identification cards issued to personnel to restrict access to vehicles, cargo receipt and delivery operations, and passenger processing operations.

The report said:

At many seaports, the carrying of firearms is restricted, and thus internal conspirators and other criminals are allowed armed access to cargo vessels and cruise line terminals. In addition, many seaports rely on private security personnel who lack the crime prevention and law enforcement training and capability of regular police officers.

The report also found that port-related businesses did not know where to report cargo theft and other crimes, and that federal, state and local law enforcement agencies responsible for a port's security rarely meet to coordinate their work.

That is what our legislation does—it creates mechanisms to integrate all these different security agencies and their efforts to improve the security of our seaports, and the railways and highways that converge at our seaports. Our seaport security bill also directly funds more security officers, more screening equipment, and the building of important security infrastructure.

Each agency is good at what they do individually. But they will be even stronger working together, sharing information and tactics, and coordinating security coverage at our seaports. More teamwork between these federal, state and local agencies—along with our security partners in the private sector—will produce a more secure seaport environment that is stronger than the sum of each agency's individual efforts. To foster that teamwork, our bill sets up a National Maritime Security Advisory Committee responsible for coordinating programs to enhance the security and safety of U.S. seaports.

Most important in the bill are the requirements to implement security plans that will provide for efficient, coordinated and effective action to deter and minimize damage from a transportation security incident. The plans will be developed as a national plan, a regional area plan, and facility and vessel plans. The National and Area Security Plans will be developed by the Coast Guard and will be adequate to deter a transportation security incident to the maximum extent possible. The facility and vessel plans are for the individual waterfront facilities and vessels and must be consistent with the federal and area plans. The Secretary of Transportation will conduct an initial assessment of vessels and facilities on and near the water. The assessment will identify those facilities and vessel

types that pose a high risk of being involved in a transportation security incident. These assessments will identify the vulnerable assets and infrastructure as well as the threats to those assets and infrastructure.

Within a year the initial assessments will be made, interim security measures will be implemented, and more detailed assessments will be conducted, from which vessel and facility security plans will be devised. These plans will be based on the Coast Guard vulnerability assessments and security recommendations. The plans will be submitted to the Coast Guard by port authorities, waterfront facilities, and vessel operators. All ports, waterfront facilities and vessels are required to operate under approved security plans that are consistent with the Federal and Area Security Plans.

To further enhance law enforcement cooperation, we will require the establishment of Area Security Advisory Committees at each port to coordinate security plans among all the involved agencies: law enforcement, intelligence agencies, Customs, Coast Guard, Immigration, port authorities, shipping companies, and port workers. The bill also creates new programs to professionally train port security personnel. Certification and training of maritime security personnel will be crucial in increasing the professionalism of our federal, state, local, and private sector security personnel.

To address the immediate risk of terrorist activities at or through our seaports, the bill directs the Secretary of Transportation to immediately establish domestic maritime safety and security teams to respond to terrorist activity, criminal activity, or other threats. The units will be composed of officers trained in anti-terrorism, drug interdiction, navigation assistance, and facilitating response to security threats. I would like to thank Senator EDWARDS for his work on this provision. The bill also creates a Sea Marshal program to more specifically authorize the Coast Guard to board vessels in order to deter, prevent, or respond to acts of terrorism. These Sea Marshals will ride along aboard some vessels entering U.S. ports as a deterrent against hijacking or other criminal activity. I would like to thank Senator JOHN KERRY and Senator JOHN BREAUX for working on the Sea Marshal initiative. I also commend Senator BREAUX for all his work on seaport security. He is the Chairman of the Subcommittee on Surface Transportation and Merchant Marine, he has toured throughout the nation reviewing security at our seaports and has done a yeoman's job helping to pass this bill.

The bill will require ports to limit access to security-sensitive areas. Ports also will be required to limit cars and trucks, coordinate with local and private law enforcement, and develop an evacuation plan. Port areas will have increased security with specific

area within the port being designated as controlled access where only those with the appropriate credentials will be allowed. The bill also will require criminal background checks of employees with access to ocean manifests or access-controlled areas of a port or terminal. These background checks are designed to ensure that individuals with access to our terminals and cargo facilities are not a terrorism security threat. A system of appeals and waivers will be provided to ensure that port workers are given full and adequate opportunity to explain mitigating factors justifying any waiver requests.

This bill will require for the first time that we know more in advance about the cargo and crew members coming into the United States. The more we know about a ship's cargo—and where it originated—the better our Customs agents and other law enforcement officers can target the most suspicious containers and passengers. I am also pleased that we established performance standards for the locking and sealing of containers. It is vitally important that we ensure that shipping containers are adequately designed and constructed and that we check that they are securely locked for shipment.

The bill modifies a rulemaking requirement for advanced cargo information. The original requirement was included in the Senate passed version of the bill. The rulemaking was then included in the Trade Act, and S. 1214 makes modifications to the Trade Act to incorporate additional changes. I would like to thank the Finance Committee for their cooperative spirit in our effort to enhance cargo security.

Perhaps most importantly, we will give port authorities and local entities support in implementing and paying the costs of addressing Coast Guard identified vulnerabilities. We are dealing with an issue of national security—and we will treat it as such. It would be great if we could simply declare our ports to be more secure. But it takes money to make sure these international borders at our seaports are fully staffed with customs, law enforcement, and immigration personnel. It takes money to make sure they have modern security equipment, including the newest scanners to check cargo for the most dangerous materials. And it takes money to build the physical infrastructure of a secure port.

For seaport security infrastructure, the bill directly authorizes amounts sufficient to upgrade security infrastructure such as gates and fencing, security-related lighting systems, and remote surveillance systems, equipment such as security vessels and screening equipment. I had hoped that we would have an agreement on a dedicated funding mechanism to ensure that state, local and private sector entities that are required to comply with federal security mandates would have the necessary funds to aggressively pursue compliance with security requirements. Unfortunately, I was not able to

convince all of the conferees that this was the proper course of action. I was happy that we did reach an agreement to have the Administration report on how to pay for the federal portion of the seaport security responsibility. I will be following this very closely to ensure that we have some sort of agreement to allow for the aggressive pursuit of a new system of seaport security.

U.S. Customs officers must be able to screen more than just 2 percent of the cargo coming into our seaports. We cannot expect to screen every marine container entering the United States, but there must be some expectation of inspection to deter cargo smugglers. While we spend billions of dollars on an anti-ballistic missile defense system, we fail to see perhaps even a greater threat to our national security coming through our ports. A cargo container can be delivered to anywhere in the United States for less than \$5,000. The enemies of America can afford \$5,000 to import a container of explosive or hazardous materials much more easily than millions of dollars to launch a rocket.

Investing in new screening technologies will help human screeners inspect more cargo, and detect the most dangerous shipments. To increase the amount of cargo screened, the bill directly grants and authorizes \$90 million in research and development grants to be awarded to develop methods to increase the ability of the U.S. Customs Service to inspect merchandise carried on any vessel that will arrive in the United States; develop equipment to detect nuclear materials; improving the tags and seals used on shipping containers, including smart sensors for tracking shipments; and tools to mitigate the consequences of terrorist attack. The research and development funds are intended to fund any enhancements that are necessary to enhance technology at U.S. Seaports.

The destruction that can be accomplished through security holes at our seaports potentially exceeds any other mode of transportation. We all know the damage that can be caused by one truck bomb. But one ship can carry thousands of truck-sized containers filled with hazardous materials. A hijacked tanker holding 32 million gallons of oil or other explosive material that is rammed into a port city like Boston, New York, Miami, Los Angeles or Seattle could potentially kill thousands of people and destroy many city blocks.

That vulnerability is magnified by the type of facilities along our coasts and rivers. There are 68 nuclear power plants located along U.S. waterways. Along the 52-mile Houston Ship Channel, there are 150 chemical plants, storage facilities and oil refineries. The Baltimore Sun reported that "within a mile of the Inner Harbor of Baltimore is a major East Coast import and export hub for a broad range of dry and

liquid chemicals. If ignited, many are capable of producing ferocious fires, explosions and clouds of noxious fumes—immediately adjacent to such densely populated row house neighborhoods as Locust Point, Highlandtown, and Canton."

Most of the security procedures and infrastructure improvements contained in our bill have long been practiced at our airports and land border crossings. But, for some unfathomable reason, we don't take these preventive steps at our seaports—where most of our cargo arrives, and where we are most vulnerable.

Our agents at the Mexican border near Tijuana will tear the seats out of a car to search for drugs—while a crane just up the coast in Los Angeles lifts thousands of truck-sized cargo containers onto the dock with no inspection at all.

For the first time we will require federal approval of seaport security plans, better coordination and training of law enforcement, more information about cargo, and directly fund more Coast Guard personnel, U.S. Customs agents and security screening equipment to protect against crime and terrorism threats.

Prior to September 11, 2001 we already faced security problems at our seaports related to smuggling, drugs, and cargo theft. But now we face the even greater threat of terrorism—a threat that requires us to immediately tighten security at our seaports, the most vulnerable part of our international border, in the defense of our nation.

This landmark bill also incorporates a Coast Guard authorization bill—the first Coast Guard authorization bill that has passed Congress since 1998. The Coast Guard provisions in the bill reflect the provisions of S. 951, the Coast Guard Authorization Act of 2001, which was reported out of the Commerce Committee last year.

The bill provides increased authorization levels for appropriations in fiscal year 2003, as well as increased personnel. The bill authorizes approximately \$6 billion for the Coast Guard's total budget for fiscal year 2003. This is approximately \$1 billion higher than the amount appropriated in the FY 2002 Transportation Appropriations bill, and is approximately \$200 million higher than the \$5.8 billion of total enacted amounts in FY 2002, which includes two supplemental appropriations.

The bill also increases the maximum end-of-year strength to 45,500 active duty military personnel, up from about 35,500, and includes personnel incentives.

The authorizations of appropriations in this bill include \$725,000,000 for capital investments, to ensure that the multi-year Deepwater program and the overhaul of the National Distress and Response System (NDS), or "Maritime 911," are adequately funded in 2003.

Ensuring that the Coast Guard has sufficient personnel and capital re-

sources could not come at a more important time. Since the tragic events of September 11, far greater demands have been placed on the Coast Guard in the area of homeland security. Traditionally, the Coast Guard invested only 2 percent of its operating budget into seaport security; this climbed to over 50 percent of its total operating budget after September 11. Now, approximately 22 percent of the budget is envisioned for seaport security.

The Coast Guard has unique missions not covered by any other federal agency. It has the primary responsibility of enforcing U.S. fisheries laws, carrying out drug interdiction at sea, search and rescue operations, and protecting the marine environment against pollution.

With the new responsibilities for port security, combined with the traditional role the Coast Guard plays in other mission areas, it is critically important that the Coast Guard has a vision for how to achieve the "new normalcy," wherein it carries out all of its traditional and new missions, as well as the means to ensure its ability to carry out such functions.

This bill requires the Coast Guard to examine and report to Congress its expenditures by mission area before and after September 11, and the level of funding need to fulfill the Coast Guard's additional responsibilities. The bill also requires the Coast Guard to provide a strategic plan to Congress identifying mission targets for 2003, 2004 and 2005 and the specific steps necessary to achieve those targets.

Even prior to 9/11, there were serious concerns about the Coast Guard's ability to carry out its core missions. For example, the Coast Guard's 30-year-old National Distress and Response System (NDS), also known as "Maritime 911," is breaking down, and has 88 gaps in its geographical area of coverage. Failure to retain experienced crew has plagued the Coast Guard for years. The lack of experienced personnel has resulted in tragedy, with unanswered calls for help leading to the loss of lives at sea. In 1997, all four passengers of the sailboat *Morning Dew*, three of them children, drowned outside of Charleston Harbor as a result of a failed search and rescue system.

The bill requires the Coast Guard to establish and implement standards for the safe operation of all search and rescue facilities. These include standards for the length of time an individual may serve on watch, and acquisition of equipment to achieve safety in the interim, as the entire system is upgraded.

Since the events of September 11, our demands on the Coast Guard have risen dramatically. We must ensure that the Coast Guard is equipped with all of the tools and resources that it needs to protect our seaports, and to carry out all of its traditional missions. I am pleased that we have reached a successful result in the Conference with the House, and that by enacting a Port Security bill, we will at the same time be

passing a Coast Guard authorization bill this year.

Mr. President, the morning news reports that Osama bin Laden is alive and well and al-Qaida operates. Four years ago, we started working on this measure, because it was just prior to that time that one of al-Qaida's tankers pulled into Mombassa, the port at Kenya, and the terrorist crew jumped off and blew up the embassy at Nairobi and then Dar Es Salaam's embassy in Tanzania. Lloyds of London reports Osama bin Laden has actual ownership of some 10 oil tankers, and he has control of some other 10 cargo tankers.

I point this out because it is the real threat. Yes, we have maybe a hijacking threat, but the real threat now, as we see it develop, is with respect to our seaports. That is why we started in the committee, some 4 years ago, with respect to seaport security.

Only, last year in Italy we found a suspected al-Qaida terrorist network was operating, coming in through containers. There are some 5 million containers that come into the United States of America each year with 2 billion tons of freight. Only 2 percent of those containers are inspected at this time.

But that one particular suspected terrorist had a bed and a toilet; he had his own power source and everything else like that ready to operate. He could just as easily have come, and may have, unbeknownst to us, into the United States of America.

But let's go right to just last month, the oil tanker off of Yemen, the French tanker with some 60,000 tons of oil. As they blew up the USS *Cole*, they blew up this particular tanker. One can easily foresee that a regular tanker could come up the Delaware River with a suicidal al-Qaida group in operation or in control, where they throw the captain overboard and run it right into an oil tank farm there in Philadelphia, blowing the whole thing up, closing down the eastern seaboard.

So we worked very hard on this legislation. I commend the Senate itself because it was last year at this time, and both sides of the aisle, under the leadership and working with my distinguished colleague, Senator MCCAIN—the soon-to-be chairman again—we worked and unanimously reported out a port security bill from our Commerce Committee. We passed it in the Senate 100 to 0.

It languished on the House side for some months. And it was in June that they finally passed it. And we have been with the staff.

I must emphasize the outstanding work of our staff in this particular regard. We worked all summer long. We thank particularly our colleague Mr. OBERSTAR who worked with us as diligently as he could. In any event, now we have the conference report. It is not complete in the sense that it is not funded. We provide in here certain sums as is necessary to be reported to us in the Congress within 6 months.

We tried to get funding. The Senate had approved a user fee. They called it a tax, and we had some effort over the summer working it out to make sure it was a user fee. Then they said it was an origination problem. Thereupon we said: All right. Just take the conference report. You introduce it. We are not proud of its origin particularly. And you put it in, and we will approve it on the Senate side. So that caused a great delay, but now it's ready to go.

The Maritime Transportation Security Act will provide for the first time a national system for securing our maritime borders. Heretofore, we have known every plane that approaches the continental limits of the United States. They have transponders. We have the radar. We track them. But we couldn't tell what ship was coming, when it was coming, or how. We moved some weather satellites to repair that particular deficiency. We now know, with the Coast Guard working overtime, of the ships approaching. But we now have a secure system for our maritime borders.

We have to first ask that the Secretary of Transportation conduct an assessment of all vessels and facilities on or near the water and identify the risks of being involved in an incident. Then we develop a port and area security plan.

Let me emphasize, you have the Coast Guard. You have Customs. You have DEA. You have local law enforcement. You have the Immigration and Naturalization Service. When everybody is in charge, nobody is in charge. Under the present law, the captain of the port is in charge. We haven't changed that, but we have given him assistance.

We have the Coast Guard authorization bill also in this particular conference report, increasing the Coast Guard amounts and authorizations some \$1 billion this fiscal year 2003 over 2002. So we are beginning now to upgrade the wherewithal of the Coast Guard itself that has been doing an outstanding job.

The plans are based on the Coast Guard security recommendations, which they will make within 1 year, of all ports, facilities, and vessels determined to be vulnerable. They then have the local port security committees, which will coordinate the Federal, State, and local and private enforcement efforts.

We have been doing this, I know in the ports of Charleston and several others on the eastern seaboard. They have just been awaiting this legislation to make sure we are working in lock-step with the Federal requirements. But then when I say they have to have the private efforts, think about it. If you went down to the Rio Grande, to the border, and to the State of Arizona and told a rancher down there: Wait a minute, there are some illegal immigrants coming across the border in the nighttime, and what you have to do is not only put a barbed wire enclosure

around your particular ranch, but you have to turn the lights on at night and everything else like that, this is a private ranch, he would look at you and laugh. He would say: What are you talking about?

That is what we are doing with respect to many of the ports that are operated privately. The Danes operate the Port of New York; the Chinese operate the Long Beach Port; the union operates the Seattle Port; the State of South Carolina operates our ports. So you can see this particular task has to be a comprehensive and coordinated effort.

We then develop secure areas in the ports as part of the security plans. That is approved by the Department of Transportation. There is a grant program here of allocations to the different ports authority, the size, the threat, and whatever else is there. There is \$90 million in research grants to be awarded to develop the methods to increase the ability of the U.S. Customs to inspect the merchandise. There is a \$33 million program intended for the development of security training.

There is an established maritime intelligence system to work with this new Department of Homeland Security. They have to take all of this information, not just from the FBI, CIA, NSA, and Secret Service, but the DEA in large measure furnishes intelligence.

We will have transponders on the various vessels coming in. Within that year, we will have a certified system of transportation that is a secure system of transportation allowing for secure maritime borders. They will have to be screened prior to entry.

The transportation oversight board will establish a security program to develop the secure areas as well as the standards. People working in those secure areas will be required to have background checks. Not everybody coming there delivering the Cokes for the Coke machine or whatever will need it, but there will be secure areas, and people working in them will have to have background checks. We have established a sea marshal program that the maritime folks have wanted for quite a while.

We have an assessment of the foreign antiterrorism measure. And let me commend Mr. Bonner, the Director of Customs, who has already gone overseas and coordinated this. What we are doing is establishing assessment and check methods and secure methods for the ports of the cargo being loaded into the containers before they leave, let's say, the Port of London. We are going to have to do the same things to facilitate delivery when it comes into the United States.

I emphasize the Coast Guard authorization bill. We haven't had one since 1998. We have been struggling with that. But now everybody has in their minds front and center the Coast Guard, the magnificent job it has been doing, even as it has been understaffed and underfunded. We are going to build that up.

I yield such time as is necessary to the distinguished Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, let me start by, once again, thanking Chairman HOLLINGS for his leadership in addressing identified safety and security problems at our Nation's seaports. I applaud his leadership and steadfastness as we finally bring this important piece of legislation to completion.

The conference report we are considering today is an important step forward and will provide both the guidance and funding authorization needed to improve maritime and port security. It is past time to send this legislation to the President for his signature.

The old adage, "a chain is only as strong as its weakest link," is very true when it comes to securing our homeland. Today, our Nation's seaports remain a weak link in border security. This conference agreement will go a long way in strengthening that link.

Both the Hart-Rudman Report on Homeland Security and the Interagency Commission on Crime and Seaport Security found our seaports to be vulnerable to crime and terrorism. While there is no way to make our Nation's seaports completely crime free and impenetrable to terrorist attacks, this conference report will undoubtedly advance port security and help strengthen overall national security.

The report by the Interagency Commission on Crime and Seaport Security, also known as the Graham Commission, in recognition of Senator GRAHAM's efforts to establish such a commission, was a catalyst 2 years ago for the Commerce Committee's initial efforts to address crime and security issues at our Nation's seaports.

The committee held a number of hearings in Washington focused on seaport security issues and the Subcommittee on Surface Transportation and Merchant Marine also held field hearings on the west coast in Seattle, WA, and Portland, OR, and on the southeast and gulf coast in Port Everglades, FL, New Orleans, LA, Houston, TX, and Charleston, SC. The input from numerous witnesses contributed significantly to the development of this agreement.

As I have mentioned many times during the past year, it is widely reported that transportation systems are the target of 40 percent of terrorist attacks worldwide. This conference agreement would provide for increased security at our Nation's seaports, helping to reduce crime and protect vessels and vital transportation infrastructure from terrorist attacks.

The conference agreement includes a number of important provisions. It requires coordination among the many entities that play a role in security at our Nation's seaports and on our navigable waterways, including the Coast Guard, the Customs Service, and the

many other Federal, State, local, and private agencies. It directs these entities to work together to establish security plans aimed at decreasing vulnerabilities and reducing threats to our ports and maritime transportation system. These plans will help define specific responsibilities and secure our seaports.

The conference agreement also requires the Secretary to establish incident response plans that explain the role of each agency and how their efforts are to be coordinated in the event of an attack on our Nation's maritime transportation system. In addition to providing guidance on how to respond in the event of an attack, it is expected the detailed planning called for in the agreement will help deter terrorist attacks and other criminal acts aimed at our seaports.

The conference agreement further requires the Secretary to establish a grant program to provide much needed funding to ports and facilities to help defray the compliance costs associated with both area and facility security plans. The Secretary will also be required to establish a program to provide grants to look at new and existing technologies that can be used to better secure and protect our Nation's maritime transportation system.

The conference agreement takes into account not only the wide range of threats and crimes surrounding our seaports, but also the unique nature of our ports. A "one-size-fits-all" approach will not work. The planning process established in the conference agreement requires the Secretary to consider the fact that our Nation's seaports are complex and diverse in both geography and infrastructure.

While there are still many questions regarding how far we must go to secure our ports and waterways, I am confident that the compromise reached with our House colleagues will create a safer and more secure maritime transportation system in the United States and allow the flow of commerce to continue.

Mr. President, this conference agreement also includes the provisions from our Coast Guard authorization. The Coast Guard has been operating without an authorization since 1998, and the resources and personnel benefits provided in this measure for the men and women serving in the Coast Guard are long overdue.

This agreement authorizes funding for the Coast Guard for fiscal year 2003 at the levels requested by the President for six accounts: one, operation and maintenance expenses; two, acquisition, construction, and improvement of facilities and equipment, AC&I; three, research, development, testing, and evaluation, RDT&E; four, retirement pay; five, environmental compliance and restoration; and six, alteration or removal of bridges. It also authorizes end-of-year military strength and training loads to ensure that the Coast Guard will have the flexibility to respond to its ever growing missions.

The provisions from the Coast Guard authorization bill include numerous measures which will improve the Coast Guard's ability to recruit, reward, and retain high-quality personnel. The conference agreement addresses various Coast Guard personnel management issues such as promotions, retention, housing authorities, and education, along with measures that grant the Coast Guard parity with its Department of Defense counterparts.

Additionally, this legislation provides a number of changes to U.S. maritime laws and Coast Guard authorities such as extending the time for recreational vessel recalls, and increasing penalties for negligent vessel operations. This bill also provides much needed advance funding authority for the Oil Spill Liability Trust Fund which will allow the Coast Guard to better respond to the ever increasing costs of environmental cleanups.

In closing, Mr. President, I want to commend the conferees for their work to reach a compromise on this important legislation. I urge my colleagues to support final passage of this legislation.

Again, I thank Senator HOLLINGS for his dedicated and deeply involved work on this legislation, including conduct of field hearings throughout the United States, including the important port of Charleston, SC.

Mr. President, I know the Senator from Texas, Mrs. HUTCHISON, wishes to speak on the conference report. I yield the floor.

Mr. HOLLINGS. Momentarily our distinguished colleague from Florida will speak. It was Senator GRAHAM of Florida who persuaded President Clinton to appoint the investigating commission with respect to seaport security.

I wish to add a couple comments with respect to the Coast Guard authorization. As I have stated, it is the first authorization since 1998, and it increases the Coast Guard budget \$1 billion, with 10,000 additional active duty military personnel. They have been understaffed. I know of a tragic situation of search and rescue that did not work in Charleston, SC, my backyard. There are provisions in this legislation so we have adequate personnel manpower there.

The Coast Guard is to examine and report to Congress its expenditures and missions by September of next year. We want to get in lockstep as they increase their effort from 2 percent of the budget to some 22 percent of the budget with respect to seaport security.

I can point out many other provisions, but I will yield such time as is necessary to the distinguished Senator from Florida.

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

Mr. GRAHAM. Mr. President, first, I wish to extend my congratulations to the Senator from South Carolina and the Senator from Arizona, who have

been working on this issue for many months and have carried the position of the Senate in the conference committee. I commend you for the success we have achieved today and for the battles we both recognize will be required in the future in order to fully realize the goals of this legislation.

Mr. HOLLINGS. I thank the Senator.

Mr. GRAHAM. Mr. President, I am very pleased to rise in support of the Maritime Transportation Security Act of 2002.

This legislation will secure one of our Nation's greatest vulnerabilities, our seaports.

This bill not only ensures that our ports remain a driving force in the American economy, it also commences the closing of the floodgates of vulnerability to the terrorist threat to American seaports.

Mr. President, there is much work that remains to be done.

For this legislation to be effective, it must have a predictable and sustained funding source for the agencies tasked with maintaining the security of our maritime borders.

It was in December of 2001, almost a year ago, that the Senate unanimously passed a comprehensive seaport security bill. The House of Representatives passed its own version in June of 2002. This legislation has been in conference for 4 months. Valuable time has been passing while an important part of our homeland economy, as well as our homeland security and the Nation's 360 seaports, have remained extremely vulnerable.

I am pleased a final agreement has been reached and the bill is completed and it will soon go to the President for his signature.

To quote the Florida Ports Council:

Seaport security must be addressed in a comprehensive, intelligent, practical manner by the Federal Government—now, not in 2004 or 2006, or 2008.

The security of our borders is a national responsibility. No matter how good our State processes and practices are—without the Federal Government requiring realistic security plans and standards—the public domain will remain at risk.

I am pleased we are doing that today and starting to fulfill our Federal responsibilities.

We live not only in a democracy but also in a nation that allows its citizens and visitors the freedom to travel throughout our great country.

The United States thrives on global trade and global travel.

But support for democracy and freedom must go hand-in-hand with strong protection of our maritime borders.

Fortunately, our seaports have not yet been attacked. Fortunately, as of today, one of those container cargoes, 16,000 of which arrive at America's seaports every day, has not been used as the means by which a weapon of mass destruction will be delivered within the United States.

This means instead of looking at the security of America's seaports through the rearview mirror, as we have been

doing since the events affecting airlines and airports as a result of September 11, 2001, we are looking at seaport security through the windshield, albeit a foggy windshield. We not only have a responsibility but an opportunity to take steps to avoid the head-on collision at America's seaports that has not yet occurred.

Since September 11, there has been a lot of discussion about connecting the dots, what could have been pieced together, the things we should have seen before that tragic day. And, like 9/11, information about our seaports presents a disturbing array of dots. But from these, there is a clear pattern of vulnerability at our seaports and the cargo containers which they deliver.

Many of these dots are available only in classified form, which are not disclosed for national security reasons. But there are many instances of security breaches at seaports that have been publicly disclosed—in open sources—that paint a stunning portrait of our maritime vulnerabilities. Weekly, I read newspaper accounts of stowaways and narcotics arriving in our country, and of security lapses at our ports.

I have several articles I would like to bring to the attention of my colleagues, and I ask unanimous consent that they be printed in their entirety in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. GRAHAM. On May 13, 2001, Fox News and the Associated Press reported that 25 Islamic extremists, hidden on commercial freighters as stowaways, illegally entered the United States. These individuals reportedly entered the United States through four seaports in Miami; Port Everglades, Fort Lauderdale; Savannah; and Long Beach. Where have these men gone and, more importantly, what are their intentions?

The Washington Times, in a January 22, 2002, article entitled "Seaports Seen as Terrorist Target," reported al-Qaida "shipped arms and bomb-making materials via Osama bin Laden's covertly owned freighters." These explosives were later used to blow up the U.S. embassies in Kenya and Tanzania.

What if these ships were making port calls at a port in the United States of America?

Further, in a front page article dated February 26, 2002, USA Today reported that in October of 2001, a month after 9/11, port authorities in Italy opened a suspicious container and found an Egyptian-born Canadian person, equipped with a satellite phone, laptop, false credit cards, and security passes for airports in Egypt, Thailand, and Canada. What if this container and person made a successful, undetected entry into the United States?

On June 16, 2002, the Washington Post reported that three men captured by CIA and Moroccan authorities told

interrogators they escaped Afghanistan and came to Morocco on a mission to use bomb-laden speedboats for suicide attacks on U.S. and British warcrafts in the Strait of Gibraltar.

On October 6, 2002, the French-flagged supertanker *Limberg* was attacked and holed by a small boat packed with explosives, possibly a remote-controlled boat, off the coast of Yemen. This attack is now widely believed to be the work of al-Qaida operatives.

Yemen is, of course, the same location as the USS *Cole* bombing of 2 years earlier.

On October 29, 2002, as seen on national television, a 50-foot coastal freighter with 234 Haitians and 2 Dominicans landed close to Miami, in Biscayne Bay, Florida. How did this boat manage to get so close to a major American city? This vessel was not detected by the Coast Guard until the last few hours of its voyage.

Finally, less than 2 weeks ago, November 4, 2002, The Houston Chronicle reported 23 stowaways to Honduras who were captured at the port, 16 on the barge and 7 more who had tried to swim ashore.

Mr. President, the current assessment from the U.S. intelligence community is that 19 of the 35 State Department-designated foreign terrorist organizations have access to maritime conveyances, or are directly associated with maritime terrorism.

Since 1991, there have been 131 maritime attacks. This includes 19 ship hijackings, bombings, armed attacks, or kidnappings in the 4-year period between January 1996 and December of 2000.

Clearly, both our seaports and maritime borders and their vulnerability to terrorists remain a primary U.S. security concern.

In 1998, I asked former President Bill Clinton to establish a Federal commission to evaluate both the nature and extent of crime in our seaports. I have become aware of the extensive and expanding use of seaports for a variety of criminal activities.

In response to this request, President Clinton established the Interagency Commission on Crime and Security in U.S. Seaports on April 27, 1999.

The three distinguished cochairs of the commission were Raymond Kelly, then commissioner of the U.S. Customs Service, now head of the New York City police department; James Robinson, then assistant Attorney General; and Clyde Hart, then administrator of the Maritime Administration.

In October of 2000, the commission issued its final report. This report outlined many of the common security problems that were unearthed at U.S. seaports. The commission made 20 findings and included recommendations to respond to these threats. Our seaport security bill addresses many of them directly.

For example; the Commission reported a "need for a more comprehensive and definitive statement of the

specific federal responsibilities," including the "lead agencies" of Customs for international cargo and Coast Guard for seaport security.

Our seaport security bill provides new authorities for both of these agencies.

The Commission also noted that:

Comprehensive interagency crime threat assessments \* \* \* currently are not conducted at seaports and that the federal government should establish baseline vulnerability and threat assessments for terrorism at U.S. seaports.

The seaport security bill requires the Coast Guard to survey all ports, prioritize them, and then conduct detailed port and vessel type vulnerability assessments.

The Commission called for a "comprehensive initiative to improve cargo import procedures," noting that "vessel manifest information, import and export, is sometimes deficient" and "is more easily utilized \* \* \* if it is received in electronic data formats before the arrival of the vessel."

The seaport security bill requires vessel and cargo data to be submitted in advance and in a format to be prescribed by the Secretary of Transportation.

The Commission was concerned that "no minimum security standards or guidelines exist for seaports and their facilities."

The seaport security bill would require security standards and provide federal grants for these improvements.

These are but a few of the many vital provisions in this seaport security bill.

On September 11, 2001, four commercial airliners were hijacked and turned into weapons of mass destruction, crashing into three symbols of American strength. The fourth airliner was destined for yet another symbol of American strength but for the courageous passengers and crew who intervened. We were not able to prevent these hijackings before they happened.

After that tragic day, Congress quickly responded and introduced the Aviation Security Act on September 24. It was signed into law on November 19, 2001. This law requires safer cockpits, air marshals, Federal oversight of all the airport security operations, advanced anti-hijacking training for all flight crews, establishment of a security fee, and background checks for flight school students.

On September 21, 2001, 10 days after the attack, Congress approved a relief package for the airline industry. This included \$5 billion of immediate cash infusion for U.S. air carriers and \$10 billion in loan guarantees.

We responded because we had been hit. The challenge of this legislation is: Are we prepared to respond before we are assaulted?

I believe we are beginning to answer that question in the affirmative with the adoption of this legislation.

The threat to our seaports is urgent and real. When a cargo container arrives on our shores, it is quickly loaded

into a truck or a train, leaving all Americans, not just those who are located close to a seaport, vulnerable to a security lapse which occurs at the seaport because the seaport is the last point at which that container can reasonably be checked and evaluated to determine if it represents a threat to the American people.

While our bill is a step in the right direction, we must fully commit to our seaports as we have to our airports, which includes a steady stream of funding.

As my colleagues may be aware, the primary reason this seaport security bill was in conference for 4 months was the inability of Members to reach agreement on how to fund these security measures. So what we are passing today is essentially an authorization bill. We are providing the basic architecture of the security, but the challenge to provide the plumbing and the electrical systems that will bring this architecture to life is yet to be faced.

My preference was to pass a bill which would have contained that plumbing and electrical system in the form of user fees, as we have already done for airports and airlines, giving our ports an immediate influx of money to quickly address the security lapses that have been identified.

Why is this so important? If we do not have a dedicated stream of user-generated revenue, our commitment to seaport security may be viewed as temporary and piecemeal.

The PRESIDING OFFICER. The time reserved for the Senator from South Carolina has expired. The Senator from Arizona controls the balance of the time.

The Senator from Arizona.

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

The PRESIDING OFFICER. Eighteen and a half minutes.

Mr. GRAHAM. I ask the Senator from Arizona for a minute to close.

Mr. McCAIN. Certainly. I yield 3 minutes to the Senator from Florida.

Mr. GRAHAM. As chairman of the Senate Select Committee on Intelligence, over the past 2 years, I have worked with the committee on a 5-year plan of enhancing technology and human skills within the intelligence community.

It is our expectation that these investments will yield rich dividends in the intelligence community, to understand the terrorist threat to our Nation, better inform decisionmakers on policies that can defend against these threats, and take direct action against the terrorists.

It should be no different at our Nation's seaports. Investing in security along our maritime borders is as vital as investing in our intelligence capabilities or our Nation's airports. But I am troubled by the prospects. The administration has shown no willingness to request any funding for our seaports.

The administration's fiscal year 2002 and 2003 budgets contained no funding

for seaport security. To date, all funding for enhancing security at our seaports has been as a result of congressional action on supplemental appropriation bills.

Illustrative of this gap between congressional funding and the administration's funding is the fact that only \$93 million was available from the Transportation Security Administration for over \$700 million of seaport security grant requests.

While this funding has aided some ports, comprehensive security improvements for all ports will cost significantly more.

Based on a survey of just 52 large ports by the American Association of Port Authorities, the improvement costs totaled over \$2.2 billion.

In addition, the United States needs a consistent policy on how much of the additional security costs are the responsibility of the Government and how much by industry and its consumers. We need to fairly apply this policy across all parts of the industries and economy.

Ultimately, it should be similar to our approach, and response to, the aviation industry. Undoubtedly, funding security improvements at our ports must be a major task and priority for the 108th Congress.

Seaports are an important economic engine. They are the major gateway to America for cargo and consumer goods.

Annually, the U.S. marine transportation system handles 2 billion tons of freight, 3 billion tons of oil, and 7 million cruise ship passengers. Over 800 ships make more than 22,000 port visits per year in the United States.

One terrorist incident at a seaport could impact an entire coast or the entire economy of the United States. The financial impact of the closing of our seaports would be devastating.

As reported last September in USA Today and numerous other publications, the closure of 29 seaports on the west coast due to labor issues reportedly cost \$1 billion a day.

I ask my colleagues, what would happen if we had to close all of our 361 seaports? Factories and plants would quickly be out of parts and be forced to shut down. Commodity hoarding would begin and prices would rise. The stock market would undoubtedly be shaken. Energy and oil prices would rocket upwards.

On April 1, 2002, Business Week magazine observed that "if a disruption at one of the country's 361 ports leads the U.S. Government to shut them down the way it grounded air traffic in September, it would bring some \$2 billion a day in seaborne trade to a dead stop and instantly cripple the domestic economy."

The issue of seaport security is not going away.

Foreign trade accounts for over one-fourth of the total U.S. gross domestic product.

According to the U.S. Coast Guard, by 2020, one-third of all container ships

will be massive vessels termed "mega-ships," oil imports will increase to two-thirds of our consumption, and liquefied natural gas imports will increase by nine-fold.

The Customs Service estimates that by 2020 the volume of imported cargo will more than double.

While we have passed this important bill, we now have a responsibility to finding funding for these need security improvements.

I urge my colleagues to make the security of our ports a priority and to pass, and later fund, this legislation.

We must not leave our maritime industry vulnerable to the potential use by a terrorist organization. The possibilities are horrific: The possibility of major loss of life, the possibility of major economic damage, or the possibility of the delivery of a weapon of mass destruction.

We have take the first steps forward in aviation. Why would we leave our seaports and the maritime industry behind? The action that we take today is a beginning.

For this beginning to realize its promise of substantially enhanced security at America's seaports, within the flood tide of cargo containers that arrive each day, further action is required.

Working with the House of Representatives, it is my hope that, early in 2003, we will take the next step, providing a permanent and sufficient funding source for today's legislation.

An appropriate place to start the discussion is using the model of airports and aviation security, where funding is provided by the industry and its customers and the general public.

The President will recommend in his budget for 2004 what he considers the appropriate level for seaport security.

I urge him to be more forthcoming than in the last two budget submissions.

With the President's level of general revenue support, the Congress will be in a better position to determine what level of user fee will give Americans assurance of security at our Nation's seaports.

We understand the threat and the horrible outcomes from terrorism so much better than 1 year ago.

After the terrorist attacks, Congress took quick action to restructure our aviation security program, in order to better protect our country and prevent another attack.

We need to strengthen our seaports, with the same intensity demonstrated at our airports. We must guard our maritime borders against obvious weaknesses and their potential use as a terrorist target.

Our seaports are a vital national asset.

I close by saying we have work to do, and the primary focus of that work is going to be to arrive at a sustainable, reliable funding source for these important security measures. We will have an early indication of what portion of

this the President is going to recommend be paid through general tax revenue when we see his budget for the year 2004.

This legislation also requires the President, within 6 months of enactment, to submit a funding proposal on a permanent basis to the Congress. It is my hope that funding proposal will use as its starting point what we have already done for the airline industry where we have made some decisions as to how much of the security costs should be borne by general taxpayers and how much should be borne by the users and the industry. It seems to me we should strive to have a parity and balance of allocation of financial responsibility across our transportation systems. If we are committed, as the action today indicates, to providing security for our seaports before they are attacked and will not await a 9/11 to arrive at a city in the United States through a cargo container with a weapon of mass destruction, which 48 hours earlier had come through a seaport, if we are committed to security without having to be awakened through an assault, then we should also be committed to recognize this is not going to be cheap and it is not going to be a temporary commitment. It will be expensive and it will be sustained and we should provide the revenue to meet those realities.

#### EXHIBIT 1

[From USA Today, Feb. 26, 2002]

#### SHIPPING CONTAINERS COULD HIDE THREAT TO U.S.

(By Fred Bayles)

CHARLESTON, S.C.—The odd noises that came from the 40-foot shipping container at Gioia Tauro, Italy, harbor in October demonstrated the danger facing officials at ports around the world. When port authorities opened the suspect container, they found Amir, Farid Rizk, 43, an Egyptian-born Canadian equipped with satellite phone, laptop, false credit cards and security passes for airports in Egypt, Thailand and Canada.

Officials charged Rizk with terrorism but later released him after his lawyers argued he was fleeing religious and legal persecution in Egypt and was not a terrorist.

Rizk's choice of transportation highlighted a security problem that has troubled U.S. officials since well before Sept. 11.

More than 6 million shipping containers arrive here at Wando Welch yards in Charleston and other U.S. ports annually. Only 2% are inspected. The rest remain sealed as they are shipped throughout the country. It would be easy, some fear, to take a container, stuff it with explosives, a chemical weapon or a nuclear device and inject it into the nation's economic bloodstream. Security experts had thought about the massive flow of unchecked containers before the attacks on New York and Washington. In the November 2000 issue of Foreign Affairs, Coast Guard Cmdr. Stephen Flynn, a security expert with the Council on Foreign Relations, offered this scenario.

Suppose, he wrote, Osama bin Laden loaded a biological weapon into a container and shipped it through foreign ports to the USA. The container, unnoticed in the day-to-day bustle of trade, could then be put on a rail car at Long Beach destined for Newark, N.J. Somewhere along the 2,800-mile route, it is detonated.

As bad as the destruction such an attack might cause, the chaos that would follow could devastate the nation's economy.

The nation's shipping system could shut down, as airports did after Sept. 11. "The economic damage would be incalculable," Flynn says. "It would accomplish what a terrorist group wants to do, which is to disrupt this country's economic structure."

So what can be done? Looking inside each of the 6 million containers from abroad would disrupt the flow of goods. Technological solutions, including x-ray machines, are costly, expensive and not infallible. The answer may lie in better surveillance at the container's point of origin. Instead of inspecting every container upon arrival, sophisticated computer and intelligence systems are being established to identify suspicious containers before they leave foreign ports.

"You want to do something that doesn't wait until the container is offloaded here," U.S. Customs Commissioner Robert Bonner says. "The big idea is to think about how to push the border back."

WANDO WELCH

In South Carolina, the blur of movement at the port of Charleston's Wando Welch Terminal vividly shows the shipping business's need for speed. Massive cranes lift cargo containers off merchant ships arriving from around the world. The containers are stacked like giant Lego pieces across the 237-acre facility.

The activity at this, the nation's third-busiest, container facility is a tribute to the efficiency of the "intermodal" transportation system, which makes possible the quick transfer of seaborne containers to railcars and trucks without unloading and reloading their contents. The system touches every facet of the economy. Each state receives goods from an average 15 different ports every day, according to the American Association of Port Authorities.

That is why the industry balks at inspecting every container coming into the country. Several members of Congress, including Sen. Charles Schumer, D-N.Y., have proposed such steps.

At the Wando yards, the time a Customs inspector needs to examine a single container illustrates the challenge. One container, singled out because its manifest listed a cargo of "human aids," turns out to have been filled with bundles of used clothing bound from Italy to Bolivia. It took the inspector and a civilian crew most of the day to offload and inspect the bundles, then reload the container and send it back to the shipping yards.

"It would be very difficult to search every container without severely disrupting the flow of goods," Bonner says.

A glimpse of that kind of disruption came in late 1999. The nation's Western rail system slowed dramatically as it adjusted to a merger of two railroads, a booming economy and other factors.

The slowdown created havoc for weeks. Christmas items did not arrive to stores on time. Perishable goods rotted. Factories closed because needed parts were delayed.

"It was only temporary, but it created big headaches," says John Foertsch, the Southeast operations manager for OOCL (Orient Overseas Container Line), a major container shipper based in Hong Kong. "It's hard to imagine the chaos that would come if delays like that became the routine."

#### TECHNOLOGY SOLUTIONS

Some look to technology as a solution. Last summer, Customs agents at busier ports began using drive-through mobile X-ray units that can scan containers as they are driven past a checkpoint, much like luggage through an airport screening station.

Sitting in the cab of such a unit on the Charleston docks, Customs Inspector Eddie Basham peers at a computer screen displaying the shadowy interiors of passing containers. "Tires," he says, pointing to a stack of spirals filling one container. On the next, he notices a dark, irregular shape and sends it to the side for inspection.

Occasionally, the equipment hits immediate pay dirt. "There's a few times I've seen people standing in the inside of a container," Basham says. Police took the illegal immigrants into custody.

Other screening devices are being tested and deployed. In Norfolk, Va., Virginia International Terminals is installing radiation detectors on cranes, which will screen each container as it is offloaded. As of now, Customs agents use pager-sized radiation monitors that warn of excessive radiation as they walk by rows of containers. Some estimates put the cost of equipping all major ports with large scanners at \$5 billion.

#### BETTER INTELLIGENCE

Some say the solution would be to inspect all U.S.-bound containers before they leave a foreign port. But the difficulty of doing that may be too great.

"No one can argue against vetting cargo before it is shipped, but you need the political will and resources to do it," says John Hyde, general manager for security with Maersk Sealand, one of the world's largest shipping companies. "When you're talking about putting requirements on other sovereign nations, you can never be sure of what the reaction will be."

Many in industry and government, argue that there is no need to check each of the thousands of containers that arrive daily. They note that only 1,000 < less than 1% < of the 450,000 shippers who send cargo to the USA, account for nearly 60% of all containers shipped to this country. A majority of containers come from well-known and trusted companies that make regular weekly runs to U.S. ports. "It is impossible to inspect everything, but you don't need to inspect everything," Bonner says. "We are pretty good at being able to sort out what needs to be inspected."

To that end, the Coast Guard has joined with Customs, the Immigration and Naturalization Service and several intelligence agencies to begin sorting out information about containers before they arrive. After Sept. 11, the Coast Guard initiated the Ship Arrival Notification System, the nation's first centralized database on the movement of cargo ships.

Before this system, the Coast Guard captain in charge of security at each port only had to be notified of a shipment 24 hours before a cargo ship was due to arrive. Now that same information arrives 96 hours in advance at the Coast Guard's computer center in West Virginia. Information about the ship, its containers and crew is entered into a database that can be cross-referenced with immigration, FBI and Customs data.

The database allows many agencies to track the movement of cargo around the world. Officials hope it will help zero in on unknown shipping companies or a sudden shift in business practices or cargoes that makes no sense. "If a ship leaves Genoa, Italy with palm oil bound for a port that normally doesn't import palm oil, you might take a closer look," says Capt. Tony Regalbutto, the Coast Guard's director of port security.

Flynn sees this as the first step to a system that will track individual containers as they are loaded overseas and sent to U.S. ports. "People have compared this to a needle in a haystack problem," he says. "But if you develop good intelligence about what is

a threat and what isn't, you get the information down to a manageable number of targets."

[From Business Week, Apr. 1, 2002]

#### COMMENTARY: FREIGHT TRANSPORT: SAFE FROM TERROR?

(By Lorraine Woellert)

With its heavy traffic and massive chemical-storage tanks, the Port of Houston would seem a tempting target for terrorists. Touring the site in January, Senator John Breaux (D-La.) asked what had been done to protect the 25-mile-long seaway. A Coast Guard official assured him that the harbor had been declared a security zone. Breaux was unimpressed. "That's like putting a 'No Trespassing' sign on a nuclear reactor," he said.

In the wake of the September 11 attacks, Washington scrambled to shore up aviation security with tough new passenger- and baggage-screening laws and criminal-background checks on airport workers. But half a year later, U.S. land and sea borders remain almost as vulnerable as ever. Lawmakers hot to jump on the homeland-security bandwagon a few months ago have succumbed to inertia, leaving the nation's most at-risk transportation systems unprotected. "There has been a gross lack of focus," says Edward Wytkind, executive director of the AFL-CIO's transportation-trades division.

Altogether, trains, trucks, and ships move more than \$1 trillion worth of freight—about 99% of all U.S. cargo—into the country every year. Seaports, which handle some \$700 billion of that cargo, are the first line of vulnerability. If a disruption at one of the country's 361 ports leads the U.S. government to shut them down the way it grounded air traffic in September, it would bring some \$2 billion a day in seaborne trade to a dead stop and instantly cripple the domestic economy.

Today, port "security" means little more than a few miles of fencing and the occasional container search. Despite stepped-up patrols by Coast Guard and Customs agents after September 11, ships sail freely in and out of the nation's inland and coastal ports. The network relies on an honor system: It's up to carriers to announce their arrivals and disclose their hauls. Federal agents search only about 2% of the 11 million containers that make their way through the U.S. maritime system each year—double the pre-September 11 rate but still frighteningly low. "You have a ship with 7,000 containers on it, and what do we do? Check the manifest," laments Representative Don Young (R-Ala.), chair of the House Transportation & Infrastructure Committee, which is working on a port-security bill. "We're taking containers from Pakistan, and we don't know what's in them."

Lawmakers may be indignant, but their efforts to plug security gaps have been few and ill-fated. In December, the Senate, led by Commerce Committee Chairman Earnest F. Hollings (D-S.C.), passed a \$4 billion wish list of grants and loans to buy equipment to search more incoming cargo containers. Hollings' bill also would toughen hiring standards by requiring maritime workers to pass a criminal-background check similar to one imposed on nearly all airport workers.

However, the idea of eliminating felons from the workforce, a provision that sailed through Congress as part of an aviation-security bill last year, has come under fire from labor, including the Teamsters and the AFL-CIO-affiliated longshoremen. They say requiring no felony convictions as a prerequisite to holding a job amounts to double jeopardy for workers who have already paid their dues to society.

Industry has its own problems with the idea. As a major player at U.S. ports, the

American Trucking Assn. supports criminal-background checks but fears its members could be sued by disgruntled job applicants denied work because of something that showed up on their record. The ATA wants protection from liability. It also worries that a background check involving multiple agencies will prove time-consuming and costly.

In the House, Young has labeled the Hollings measure "stupid" because it puts the onus on the U.S. government to search every incoming vessel instead of forcing overseas transportation centers such as China and Panama to boost their own security. But Young's vision has problems of its own. He is seeking to establish an entirely new cargo-information tracking system under the Transportation Dept., duplicating work already being done by Customs and adding another layer to the multi-agency bureaucracy that now regulates container traffic. "Neither shippers, carriers, nor the government would be served by competing cargo-information systems," says Christopher L. Koch, president and CEO of the World Shipping Council in Washington.

Lawmakers—lacking the attention span or the willpower necessary to sort out freight's complexities—seem inclined to settle on politically expedient legislation that emphasizes high-tech gadgetry, spot container searches, and other piecemeal fixes. Such an approach could derail container-traffic flow as dramatically as a terrorist attack. "It would grind the U.S. economy to a halt," says Jonathan Gold, trade-policy director at the International Mass Retailers Assn.

As Congress treads water, the next-best option is emerging in the U.N., where the Coast Guard is pushing new international standards for container inspection, worker licensing, sea marshals, and a long-overdue system for tracking ships at sea. It's an ambitious goal, and one that requires U.S. cooperation. "If we ask these foreign ports to put security measures in place, then we have to be prepared to do the same thing here," Fold says. Whether it's motivated by fear or by shame, Congress must push harder for secure transportation systems.

**THE PRESIDING OFFICER.** The Senator from Arizona.

**Mr. McCain.** It is my understanding from leadership that the vote is now going to take place at 11:15. I ask unanimous consent that the remaining time be equally divided between now and 11:15.

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

**Mr. McCain.** Mr. President, I yield to the Senator from Alaska such time as he may consume.

**THE PRESIDING OFFICER.** The Senator from Alaska.

**Mr. Stevens.** Mr. President, the Aviation Security Act of 2001 came in the immediate wake of the September 11 terrorist attacks and we may soon send to the President for his signature the bill creating the Department of Homeland Security. The Maritime and Transportation Security Act of 2002 is another important piece of national security legislation that will provide the organizational structure, coordination and planning needed to safeguard our Nation's ports. I thank Senator HOLLINGS, Senator McCain and Congressman DON YOUNG for their tireless efforts to move this legislation through Congress.

Under the Act, initial vulnerability assessments will be made to determine vessels and ports that pose a high risk of being involved in a marine transportation security incident. Attention will be given to deterring and responding to such incidents, and an overall evaluation will be provided on the potential threat level of maritime terrorist attacks.

This port security assessment is imperative for our State of Alaska, which has roughly one-half the coastline in the United States. Alaska's economy and quality of life are directly related to the functionality of its numerous ports. The majority of our Alaskan communities, including Juneau our State Capital, are not on the road system and depend almost exclusively on marine trade for the delivery of basic goods. A terrorist attack at a port in Alaska, or anywhere on the West Coast, would cause significant interruptions in maritime service to our State, greatly affecting our way of life.

In addition, there are several other ports in Alaska vital to Alaska and the rest of the Nation. This is especially true of the Port of Valdez, which is the southern terminus of the 800 mile long Trans-Alaska oil pipeline. Valdez is an important off-loading terminal for our Nation's domestic energy supply. A terrorist incident here would impact U.S. oil production, without any question, and have a devastating effect on Alaska's fisheries. Dutch Harbor is consistently the top commercial fishing port in America, processing and shipping product to the rest of the world. Kodiak has the largest Coast Guard presence in the Nation and the Island of Kodiak has launch facilities that make it an important staging area for future military and NASA operations that are vital to our Nation's national missile defense system.

The Maritime and Transportation Security Act of 2002 also includes Coast Guard authorization for fiscal year 2003. This is extremely important for the continued success of the Coast Guard in its ever evolving and expanding role in securing our Nation's coastal boundaries.

I commend the chairman and the future chairman of the Commerce Committee for bringing this bill to the floor, and I support its immediate passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. REID. Will the Senator yield?

Mr. HOLLINGS. Yes.

Mr. REID. For purposes of notifying Members of the Senate, there has been a train accident. I hope it is not serious, but we have a couple of people on the train. We are now in the process of working out a unanimous consent agreement to have the vote maybe 45 minutes later than scheduled.

Mr. HOLLINGS. We scheduled the vote for 11 a.m.

Mr. McCAIN. Actually, 11:15.

Mr. REID. It may be later than that.

Mr. HOLLINGS. I yield such time as he may consume to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I thank my distinguished chairman of the Commerce Committee for his involvement and his leadership in bringing this legislation to the floor, as well as the ranking member of the Commerce Committee, the Senator from Arizona, and everyone really who has been involved in this legislation.

Suffice it to say, the conditions in the world, and in the United States in particular, have changed dramatically since the events of 9/11. Things we took for granted, things we did not pay a great deal of attention to, are no longer the status quo. The Commerce Committee, to the credit of the leadership of our committee and Senator HOLLINGS, had taken up the concept of making sure our ports were more secure even before 9/11.

The Commerce Committee in August of 2001, before 9/11, passed a seaport security bill by a unanimous vote. The committee was clearly on top of potential problems before 9/11. But certainly after the events of 9/11 it became clear we needed to do more even than we originally had done in the legislation.

I have the privilege of chairing, under the Commerce Committee, the Subcommittee on Surface Transportation. At the suggestion of the chairman, it was determined we should have field hearings around the United States. We had field hearings in six different port cities in the country. We had hearings in the chairman's hometown of Charleston, SC, and the home of the Senator from Texas, the Port of Houston. We had hearings in the Port of New Orleans. We had hearings in Fort Lauderdale. We had hearings on the west coast. We had hearings on the gulf, Atlantic, and Pacific, to learn the conditions of the ports of the United States regarding security.

We found when everyone is in charge, no one is in charge. In a number of ports, the sheriff's department was involved in security. In some ports they had port security police partially in charge. In some areas they depended totally on the U.S. Coast Guard to do all the work—which they cannot do. Some had very lax security on the perimeter, on the shore surrounding the ports.

Every day, literally thousands and thousands of men and women drive trucks loaded with containers into port facilities. We need to know who they are. We need to know what their purpose in being there is. We need to know as much as we can about who comes and who exits these international ports.

It is very interesting how commerce works. One container can carry as much as 60,000 pounds of whatever you want to put in it. There are ships entering our ports and laying alongside the docks containing as much as 3,000

separate containers on one ship. Each container carried as much as 60,000 pounds of whatever someone wants to put in them.

The USS *Cole* had a small vessel pull alongside of it and blow a hole in the side of it, killing American sailors; one relatively small boat pulled right alongside the USS *Cole*, a military naval warship. At the same time, remember what happened in Oklahoma City. Approximately 15,000 pounds of explosives blew down the Federal Building with drastic consequences to human life and to the stability of that city, shaking the confidence of this Nation. One person with 15,000 pounds of explosives knocked down an entire Federal building.

One container has 60,000 pounds of product that can be put into a ship that may have 3,000 containers. The potential for damage if a terrorist wants to target one of the ports of this country by placing explosives in one of these containers is great.

We had the example of one Egyptian who took a container and practically made an apartment out of it. He got a container in the Middle East, had himself equipped with a cell phone, food, a bunk to sleep in, and literally was transported from the Middle East, through Italy, destined for Canada, and ultimately to the United States. Who knows what he was intent on doing? Again, one ship, with 3,000 containers; how do we determine what is in each container?

Some of our large container vessels pull alongside our ports. We saw in Houston, in the Port of New Orleans at the hearings we held, the Port of south Louisiana, the Port of Baton Rouge—there are miles and miles of ports—some of these ports have, right alongside them, a liquefied natural gas facility. Next to the liquefied natural gas facility there could be an oil and gas refinery. Imagine the damage that could occur with one container loaded with explosives in a ship docked alongside an LNG facility, which is next to an oil and gas refinery, which may be followed by several other chemical plants. One container exploding could set off a chain reaction with a great deal of damage and a great loss of life.

Some of our ports are located in urban areas. The Port of Houston, the Port of New Orleans, the Port of New York, the Port of New Jersey, the Port of Fort Lauderdale, the Port of Savannah, the Port of Charleston they are all located in urban areas. There is a grave potential for damage.

The point I make is that things have changed since 9/11. A port manager was asked: How do you secure vessels pulling alongside these LNG facilities? How do you assure they know what they are doing? How do you secure the area? This individual said: Well, we have a sign posted that says "No Trespassing." I doubt a person intent on blowing up a city or doing grave damage to one of our ports will be deterred by a sign that says "No Trespassing." They will not pay any attention to it.

The fact is we have to have people involved in security. We have to have people in a chain of command, people who know what they are doing, who is doing it, and what is the responsibility of each particular segment of law enforcement operations.

This legislation will help do that. This legislation for the first time will say every port in the United States of America will have to develop a comprehensive port security plan. Some of them have plans in place now, but I don't think they are as comprehensive as they need to be, and some have almost nothing. A comprehensive port security plan under the U.S. Coast Guard, working with the local port and local law enforcement officials, can design a plan that fits a particular port. What may be necessary in the Port of Savannah may not be necessary in the Port of Houston. What is necessary in the Port of Houston may not fit in the Port of Charleston. Each port has to have a plan designed to meet the needs of that particular area.

Not only do the operations along the water's edge have to be better secured, the entire facility has to be secured. As I said, we have literally thousands of incoming and outgoing trucks loaded with containers. We need to know who those people are bringing in the containers, what their purpose is. No longer can a port be a tourist attraction. No longer can someone say let's go to the port and see the ships. Unfortunately, times have changed. We need better security, better perimeter protection, better knowledge about the cargo on the ships, better knowledge of the crew on the ships.

We have transponders on airplanes. We have GPS systems in automobiles. There is no reason every ship that comes into an American port will not have a GPS system on it, an identification system on it, an automatic identification signal that can transport to the port authorities where that ship is at all times—not just when it comes in, but when it actually reaches the floor, while it is in port.

Senator GRAHAM, who has been instrumental in helping pass this legislation, raised at the press conference yesterday the concern about the vessel that came in from Haiti. That vessel did not just come close to the U.S. shores, it actually landed on the beaches of Key Biscayne, FL. As Senator GRAHAM has pointed out, instead of being a group of refugees, suppose it was a same-sized vessel, loaded with explosives, with a terrorist who was willing to commit suicide, who instead of dropping off several hundred refugees had pulled alongside one of the large buildings in the Port of Miami, or pulled alongside one of the cruise vessels loaded with passengers, and blew up his vessel and the vessels surrounding his vessel. That cannot be allowed to happen.

This legislation will help the ports do the job they need to do. Unfortunately, we do not have any funding other than

a grant program to the local ports. Most of the cost will have to be borne by the U.S. Coast Guard. I say to Senator HOLLINGS and those on the Appropriations Committee, it is going to be their great task to make sure we adequately fund the Coast Guard to carry out those plans, because they are going to cost more. We have to do a better job. It is going to cost money. What about the local ports? We talked about a user fee, which I thought was a better idea, to spread the cost across society. It would be very small if we did it that way, but that's not part of this bill. There are local grants that ports can apply for, because it is going to cost to do the security they need. I am hopeful that program will be sufficient in order to allow our ports to do the work that is needed.

This is a good piece of legislation. It can go a long way toward securing U.S. ports, which today are very vulnerable, which today, I would add, are potential targets. This legislation, when in place, will go a long way to providing the security of which we can all be proud.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I would first like to thank Senator HOLLINGS and Senator MCCAIN for helping us get this bill through the committee. Senator BREAUX's remarks were right on target. I hosted Senator BREAUX's hearing in Houston. He toured the Port of Houston with me. We saw firsthand what some of the problems are.

I have to say, I was very impressed with what the Port of Houston is doing on its own. Using its own resources, it has beefed up its patrols and its security guards. Certainly, the Coast Guard is more involved in checking manifests and the ships that come into the Port of Houston. But the fact is, the Port of Houston is the largest port in America in terms of foreign tonnage. It handles more than half of the Nation's petrochemical capacity. We certainly need Federal funding and support to make sure a port like this one, which is vulnerable, and presents such a risk, has a fully implemented security system.

I thank Senator BREAUX for coming to see firsthand this great port in my State, for looking at what they are doing on their own, and then realizing the need to give them added help through this port security bill. I am very pleased that we are taking this first step.

Due to the volume of hazardous materials, a terrorist attack in the Port of Houston could result in the loss of millions of lives. Of course, it would also interrupt our Nation's energy supplies, delivering a huge blow to our economy at a time when we certainly cannot afford any more economic disturbances. However, there are other ports as well in my State, and smaller ports throughout our Nation.

In my State of Texas we have Corpus Christi, Brownsville, Port Lavaca, Gal-

veston, Freeport, and Texas City. They each have different challenges. Some have to safeguard cruise ships. Cruise ships are a new, burgeoning tourist industry that is working particularly in Galveston. We are very happy about this, but it means we have to safeguard these cruise ships by taking similar security measures.

Texas City, on the other hand, faces the security challenge of screening cargo containers and shipping vessels on a shoestring budget. We have Brownsville and Corpus Christi that are becoming very important ports for Central and South American goods coming in. We are very pleased about that, but they too need security.

So this is a compromise bill. It lays the foundation for a port security system under the Transportation Security Administration. It requires security plans for every port, background checks for employees with access to secure areas, and improved identification technology for both individuals and vessels traveling in United States waters. The proposed Homeland Security Department would also be tasked to assess potential threats presented by security practices at foreign ports, so that we are able to find out if a foreign port is particularly lax. Then we would have to take extra steps for ships coming into the United States from that port, whether it is the port of origin or whether it is a through-port.

I think those are the steps we need to take. I support this compromise because certainly it is important to take these immediate first steps. However, I do not think the bill goes far enough. I am an original cosponsor, with Senator FEINSTEIN, of the Comprehensive Seaport and Container Security Act that would provide more resources and greater emphasis on port security. Our bill requires profiling of cargo containers and scrutiny of high-risk shippers.

We are not closing the book on port security with the passage of this compromise bill, but we are taking a major first step. I look forward to working with Senator MCCAIN, Senator HOLLINGS, Senator BREAUX, and others who are very concerned about the whole port security issue. In the next session, I look forward to really addressing the container cargo and other high-risk port needs, and to assure we do not have a void in our port areas. Senator STEVENS was saying the other night that 50 percent of the American people live within 50 miles of a port. That is a very important statistic. We have to check our ports, our people, and the goods coming into this country.

I am very pleased we have taken this first step, because what we have done in aviation certainly has been a huge improvement. Are we finished with aviation? No, we are not. But are our airports safer today than they were on 9/10/01? Yes, they are.

I travel as much as anybody in America, commuting back and forth to my home State every week. I see a significant difference in the quality of screening with the new Transportation Authority personnel. They are trained. They are polite. They are doing their jobs in a professional way and I am very proud of that. We need to do more and, hopefully, we are going to address some of the other aviation needs in the very near future. But right now we are addressing a major area of responsibility for our country and that is the security of our ports, the people, and the cargo that comes through our ports.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I will be brief. I came over from my committee meeting for two reasons. One is to compliment the chairman, the Senator from South Carolina. Frankly, were it not for his consistent and persistent efforts on security—port security and, I might add, rail security—we would not be standing here today. There is much to say about this legislation and I am not going to take the time now.

I do want to add one other point. I am sorry many more of my colleagues, understandably, are in committee meetings right now and are not here to hear this. We are taking the action that is necessary to deal with a legitimate and real security concern for America's ports. I might add there is more traffic up and down the Delaware River into Philadelphia, with oil traffic in particular, than I think almost any other place in the country. There are a number of refineries in my State and in the neighboring State of Pennsylvania and ports in New Jersey and Pennsylvania and Delaware. So this is very important to us.

But equally important to us is rail security. My friend, the Presiding Officer, a former Governor, knows about security, what the CIA indicated. I can publicly indicate it. They indicated the most likely target is going to be rail. Since 9/11, my friend from South Carolina passed out very significant rail security legislation—\$1.2 billion. It is a clearly documented need and an overwhelming concern, listed by the CIA as a likely target for terrorists—and we have done nothing on it. We have done nothing.

I realize it is a bit of a broken record. I have been on the floor many times speaking to this. But I just say we are going to rue the day we failed to take the action that has been documented which we need to take to enhance the security of our rail system.

Let me give you again two examples. Then I will cease. But I want the RECORD to show every day we wait, we are putting thousands of lives in jeopardy. When you say thousands of lives, what are you talking about, Senator? Right now, as we speak, there are more people in a tunnel on a train under New York City—at this moment—than

there are on five full 747 aircraft. Those tunnels were built at the turn of the century. They have no escape. They have no lighting. They have no ventilation. Immediately after the Civil War, the Baltimore tunnel was built for freight and passengers.

You may remember that a little over a year ago there was a fire in the Baltimore tunnel—just a regular old fire—no terrorist act. It shut down Baltimore. In that tunnel, there is nothing. It was cut through granite in 1869. Nothing has been done to that tunnel. Even its signal systems are not adequate. We know this. Contracts have already been let. We already have the design. There is no need for design work. It has already been done. We could literally start tomorrow.

My friend from South Carolina has documented all of this in his hearings. He has laid it out in spades. He has made it clear to everybody. But somehow we just think, OK, rail transportation is not very much. It is the ultimate stepchild, both in terms of our transportation network and in terms of security.

It has been over a year since my friend from South Carolina reported out a \$1.2 billion piece of legislation on security. I am not even talking about Amtrak—just basic security needs. We don't even have dogs available to sniff luggage in cars. There is nothing. There is virtually nothing at all.

I just want to say I am not going to be here saying I told you so, because that would be unfair. But we are making a serious mistake, totally ignoring what the CIA has publicly pointed out is a targeting concern, and what everybody knows; that is, the threat of terror and the richness of the targets available on the rail system.

I am all for this port security bill. I think it is a very positive step forward. But I just say to my friends we are making a tragic mistake having held up now for the better part of a year the rail security legislation that was passed out of committee and for which I think there is a consensus. We can't get a vote on it. I think it is a tragic mistake.

Again, this is not in any way suggesting my State is very much impacted by this port security legislation. We have thousands upon thousands of containers coming into my little State. We have major export and import of automobiles coming in the Port of Wilmington. We are within the shadow of the Port of Philadelphia in Camden. More oil comes up the Delaware River than I think any other estuary, taking care of the Delaware Valley where there are over 10 million people.

I am in no way suggesting we shouldn't be doing what we are doing. I am suggesting we are making a tragic mistake by not acting on rail security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself such time as I may take.

I am very surprised by the comments made by the Senator from Delaware. The fact is we did pass out a rail security bill. The Senator from Delaware wanted to add on billions of dollars for all kinds of assistance to railroads, which has had very little to do with security. I am all for security. But the Senator from Delaware and I are known for our differences of opinion about Amtrak and how much of American tax dollars should be spent on Amtrak. In fact, it has been about \$20 billion to \$30 billion in the last few years. We are still subsidizing rail routes to the tune of \$200 to \$300 per passenger.

But the fact is the reason we don't have a rail security bill is because of the desire to add on the bill billions and billions that have nothing to do with rail security.

If the Senator from Delaware wants to pass our version of the bill which has nothing to do with the additional billions that are the subject of debate on the transportation bill and other bills, that is fine. But the reason we are making a tragic mistake here is because we didn't move forward just rail security. There was a strong desire by supporters of Amtrak to lard onto it billions of dollars of additional spending having nothing to do with rail security.

I look forward to working with the Senator from Delaware. They should be separated. Subsidization forever of Amtrak is not something this Senator will ever support when we subsidize rail routes, in the case of a line in Wisconsin—recently terminated, thank God—at \$2,000 per passenger. There is something wrong with the way Amtrak is being subsidized.

I look forward to working with the Senator from Delaware. But let us have no doubt as to why rail security didn't pass this floor with this Senator's endorsement, which is because of the additional billions of dollars that were going to be added onto it.

Mr. MCCAIN. Mr. President, that has nothing to do with rail security. And as incoming chairman of the committee, I will be glad to review this issue of Amtrak. We will get the GAO up again, and the GAO will talk about the incredible subsidization of Amtrak which costs American taxpayers billions and billions of dollars per passenger. That is the subject of another day of debate.

But to come on this floor and say that we are making a "tragic mistake," in the words of the Senator from Delaware, by not passing the rail security bill, I say it is a tragic mistake to add billions of dollars of pork onto rail security when rail security should have been the primary and only focus of a rail security bill.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I agree this is not the moment for debate on that. Let me respond very briefly.

The bill was \$1.2 billion and \$900 million was for the tunnels, period. I don't know where the additional billions of

dollars come from. OK, \$1.2 billion. Subtract \$900 million. You are then talking about \$300 million. Of that, the money went to a lot of things that relate to dogs, sniffers, and a whole range of additional Amtrak police. We can argue about rail signal systems and other things, which I think are essential. Let us get the numbers straight. We are talking about \$1.2 billion. Usually what we do when we have billions like this is we disagree. We at least bring them up and debate them on the floor. We can't even get the bill brought up and debated on the floor.

If my friend from Arizona—and he is my friend—is correct about billions of dollars of subsidization to Amtrak, then I am sure he will prevail when we talk about a security bill. But I respectfully suggest that is not the case.

No. 2, this really is for another day. I will just take 2 minutes.

We talk about, for example, the Wisconsin line. We do airports. We pay \$150 million a year. I think we added another \$100 million—don't hold me to that—to go into something like 350 cities where nobody wants to fly, nobody wants to go. We pay the airlines. We subsidize them to go into Bemidji, MN. I don't know where they go—places that no one wants to fly into or out of. We subsidize them with 150 million bucks. We do that. We just roll over. That is no problem.

At any rate, that is for another day. But in the meantime, I hope we will at least be able to get to the point where we can debate on the floor here the rail security legislation and not prevent it from being discussed on the floor unless we have what individual Members want in a bill before it even gets to the floor.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I would like to briefly speak in support of this legislation.

I come from a coastal area. When I was in the House of Representatives, I served on the Merchant Marine and Fisheries Committee and was a member of the Commerce Committee. I pay close attention to the maritime industry and what is happening with our ports and our ships and shipping industry.

I am very pleased to see this legislation has been brought to the floor. I commend the chairman of the committee, Senator HOLLINGS, and the ranking member, Senator McCAIN, as well as others who were involved in working through some of the difficulties to produce results. Senator STEVENS was involved in that, and Congressman YOUNG on the House side. I had more than one conversation with Senator THOMAS and Senators BAUCUS and GRASSLEY.

A lot of people worked to help make the production of this legislation possible. I must say, I am amazed it took that kind of a heave because this is such necessary legislation. We prob-

ably could have and should have done it last summer. There is no use reviewing all of what went into that, but there is no doubt in my mind that we need to pay attention to port security. That is a place where we could have vulnerability.

I believe we are making progress in using sophisticated technology to begin to address those threats, but, still, we need to pay attention to this area and make sure we are doing all we can to protect the American people from terrorist attack or exploitation in our ports.

The vast majority of the U.S. international trade flows through our ports. And I have worried that some enterprising terrorist could put some very devastating material on a tramp steamer or a boat that would come into South Carolina, New York, Baltimore, or Pascagoula, MS, and have a devastating impact on those communities. So we need to think through this.

Over the past few decades, international and domestic port transportation systems have responded to ever-increasing volumes of two-way trade by increasing their efficiency at moving cargo. The challenge before us, though, is to take steps to find out what is on those ships, what is in that cargo. We have to look at the port of demarcation. How do we deal with them on the high seas? How do we make sure a threat is properly checked into or assessed? What do we do once they get into the ports?

So this is important legislation. It is not to diminish the threat in all the areas of transportation. We have to think about and review all of them: aviation, trucking, automobiles, points of entry on land. But this is one area in which we need to take action, and that is what the legislation does.

The administration took immediate steps to increase the security for our maritime transportation system. The Coast Guard dedicated increasing resources to protecting our ports. The Customs Service initiated programs to improve its awareness of all cargo movements into the United States and to push its inbound cargo screening efforts out to foreign ports.

The Maritime Transportation Security Act of 2002, that we are considering now, provides new direction to the administration and additional authority so we can deal with this area in a comprehensive manner.

The bill establishes a system of national, area, port, and waterfront facility and vessel security and response planning and involves the State officials, local officials, and Federal officials and industry representatives.

The bill improves the authority for the Customs Service to collect cargo information. It promotes the sharing of intelligence information among agencies involved in maritime transportation security and close coordination of security planning and operations among those agencies.

To me, it is unfathomable that they could not do that anyway; that is, ex-

change information and get information. This bill will make sure that authority is there.

The bill establishes a national transportation security card system to control personnel access to secure maritime terminal areas, including performing background checks on applicants. Again, I cannot believe we actually did not already have a system such as this in place. I hope the administration will, and I urge them to, work closely with the maritime industry, especially in those sectors with frequent personnel turnover, such as the inland waterway towing vessel industry, to address their needs for quick approval of employee access to these secure areas. We do not want to become another bureaucratic nightmare and maze of delay, but this system needs to be put in place.

So I do believe this bill will help us to assess the effectiveness of our antiterrorism measures at foreign ports and to work with those ports to improve those measures. It will provide additional funds in this area. It will give the Coast Guard more authority and authorizes more assistance as they deal with marine safety and the maritime policy improvements.

So this bill is a good achievement. I am glad we are getting it done. It may wind up being one of only four or five conference reports on which we do complete action before we leave at the end of this session, but this is one of which we should be proud.

I commend the chairman, once again, for being willing to take my calls and sit down and say: Can't we just work together? We did and we got the results. So I thank you, Mr. Chairman.

Mr. HOLLINGS. Will the Senator yield?

Mr. LOTT. I yield to the Senator from South Carolina.

Mr. HOLLINGS. I was asked at a news conference yesterday, did we capitulate on account of the elections? I said no. Under Senator LOTT's leadership, we capitulated before the election. You got us together, and I really thank the Senator on behalf of all of us.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, I yield such time as is necessary to the Senator from New York.

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

Mr. SCHUMER. Mr. President, I thank our distinguished chairman, our distinguished now minority leader, and our distinguished ranking member for this legislation of vital importance to my community of New York, one of the largest ports in the world.

We all know what the bill does. And all of these things are good steps forward. I particularly thank Chairman HOLLINGS for his steadfastness on this bill.

All of us probably would have wanted a little more in this bill, and in a

minute I am going to talk about one particular area of importance to me. But one of our jobs here is not to let the perfect be the enemy of the good.

We need to do so much in our ports, and this is a good first step. The idea of assessing what our problems are, the idea of having a security identification card, background checks, and all of these other things I think are extremely important in terms of getting the needed technology because the terrorists are going to look for our most vulnerable pressure points.

We are doing the job on tightening up air security. I flew in from New York this morning. I saw the new Federal people there. It is better. I do not know if it is good enough yet, but it is better. But with our ports, we have virtually done nothing. This bill is a very good first step. And, again, I thank our chairman.

I want to talk about one area, and that is, the authorizing language is in the bill we worked on, but, unfortunately, not all the money is there to do it. I will try to alert my colleagues to this.

My great nightmare, as I think of how the terrorists would come back and strike us again—it might be al-Qaida; it might be Iraq; but who knows, it could be someone else, Chechens, East Timorese—but someone takes a nuclear weapon and smuggles it into one of the containers that come into one of our ports over our northern or southern borders and then detonates it in a huge population area. As horrible as 9/11 was—and, believe me, I know that horror—this would be much worse.

So we should be doing everything we can to make sure our ports are secure and to prevent nuclear weapons from being smuggled into our country, particularly in one of the large containers that come, by the thousands, to our ports on the east coast and west coast and the containers that come over our borders.

I have talked to experts, and they have said there is good news. The good news is that every nuclear device emits gamma rays, and gamma rays go through almost everything, so they are detectable. Only lead can stop it. And that can be dealt with by having an x-ray detector there as well.

The good news, in addition, was that at our national energy labs, such as Brookhaven and Argonne Forest, have such detection devices that work 50 or 60 feet away. Unfortunately, the bad news is the only practical commercial device is a Geiger counter. A Geiger counter works from 2 or 3 feet away. And it is virtually impossible for us to send personnel on to every container that comes to our ports or across our borders and hold that Geiger counter a couple of inches from each of the scores of crates that are on each container.

As I talked further to these experts, they said, for a relatively small sum, they could take the radiation detectors that now exist in our cyclotrons and

can detect radiation 50 or 60 feet away and make them practical; namely, they have to make them smaller because they are very large, and they have to make them less delicate because they could bounce around. But imagine if we had such detectors. We could put them on every crane that loads or unloads a container. We could put them on every tollbooth that a truck, over the Mexican border or Canadian border, drives by and prevent a nuclear weapon from coming in. And even if these terrorists were so sophisticated that they surrounded the bomb in lead, we put an x ray next to it, and the x ray could detect the lead, and we know something is up, and we inspect the crate.

I brought this to the attention of my friend from Virginia, Senator WARNER, and we introduced legislation that would do just this. We worked long and hard to try to get it as part of the homeland security bill, but that did not happen. But the knight on the white horse in this area was the chairman from South Carolina because he put the language that we devised, with some suggestions by the Senator from Arizona and some by his own folks, in this bill.

We are now authorized to do research to figure out a way to detect nuclear devices from 50 or 60 or 70 feet away to prevent—God forbid—somebody from bringing in a device.

There is only one problem. I regret to bring this up, but it is true. The Senator from South Carolina has made the fight. We need about \$250 million to come up with such a device. Unfortunately, only \$90 million is authorized for the entire research and development section of this bill. This is not a frivolous expenditure. This is not pork. This is vital to our security.

I am supportive of this bill. I am grateful to the chairman. He made the fight. I don't care if the Government or the private sector pays for this; somebody should be paying for this research because we don't want to wake up one morning and find a device smuggled into our country when we can stop it. That is the frustrating thing. We can stop it. This is not one of those things like cancer where we can put billions of dollars in and hope and pray that research finds a cure and stops the disease.

We know if we put in the money, these devices, which already exist, can be practicalized so they can be put on every crane and on every toll booth where a truck with a container comes over our borders.

I hope when we come back next year—this is hardly a partisan issue; as I said, it was the Senator from Virginia and myself who spearheaded this—that we will put new effort into authorizing and appropriating a few more dollars so the research that needs to be done to make us nuclear secure is done.

I supported our President's motion for the war on Iraq. One of the reasons I did was I was afraid that Iraq would develop nuclear weapons down the

road, and we couldn't allow them to do that because they might be smuggled in here. It is not going to be just Iraq. In our brave new world, our post-9/11 world, other groups can come up with these devices. It is our solemn obligation to do everything we can to prevent them from being smuggled in.

The bill the chairman has sponsored is a great first step. I hope with his leadership and that of the Senator from Arizona, who made many suggestions to this part of our bill, that next year we will move forward to appropriate the necessary dollars to get this done quickly and make our country safe.

I yield back the time to the Senator from South Carolina.

Mrs. FEINSTEIN. Mr. President, I rise today to speak on the Maritime Transportation Security Act of 2002.

I applaud Senator HOLLINGS, Chairman of the Commerce Committee, Senator MCCAIN, the Ranking Member, and other members of the Port Security Conference Committee for their efforts, but I believe this legislation can best be summed up as "too little, too late."

The Senate passed Port Security Legislation last December, yet only now, almost a year later, is the Congress sending this bill to the President. Moreover, once this legislation passes, it will be years before the Department of Transportation and the Department of Homeland Security implement effective security measures at our 361 seaports.

I would have preferred seeing the Conferees embrace other ideas to improve port security such as the legislation I introduced with Senators KYL, SNOWE, and HUTCHISON. Instead, the Conferees rejected many proposals on port security and slimmed down the Senate Bill so that it is now one part security and three parts Coast Guard authorization language that has nothing to do with security.

I believe Congress "missed the boat" with this legislation and squandered an opportunity to take aggressive action to erect a formidable barrier at our seaports.

We know ports present optimal targets to terrorists. And we know al-Qaida operatives are coming after us. As CIA director George Tenet said recently before the Intelligence Committee, of which I am a member: "al-Qaida is in an execution phase and intends to strike us both here and overseas; that's unambiguous as far as I am concerned."

And this week we learned of a new tape that seems to be by Osama bin Laden, which made clear al-Qaida intends to go after us again soon.

The October 2002 report by Gary Hart and Warren Rudman demonstrates that our ports remain especially vulnerable even more than a year after September 11. The report points out, "Only the tiniest percentage of containers, ships, trucks, and trains that enter the United States each day are subject to

examination, and a weapon of mass destruction could well be hidden among this cargo.”

The Hart-Rudman report recommends revising transportation security because “the vulnerabilities are greater and the stakes are higher in the sea and land modes than in commercial aviation. Systems such as those used in the aviation sector, which start from the assumption that every passenger and every bag of luggage poses an equal risk, must give way to more intelligence-driven and layered security approaches that emphasize prescreening and monitoring based on risk-criteria.”

Since we cannot inspect every ship and every container, I introduced the “Comprehensive Seaport and Container Security Act” earlier this year to establish a system for container profiling. The Feinstein-Kyl-Snowe-Hutchison Port Security Bill would also push U.S. security scrutiny beyond our Nation’s borders to intercept cargo before it arrives near America’s shores.

This complements the strategy Customs Commissioner Robert C. Bonner is in the process of implementing. To prevent a weapon of mass destruction from getting to the U.S. in the first place, Customs has entered into formal agreements with a handful of foreign governments to station U.S. inspectors at ports overseas to profile high risk cargo and target suspicious shipments for inspection.

The Customs Service is working to put groups of U.S. experts at the top 20 ports as soon as possible and they are moving at an impressive pace.

Hitting the 20 port threshold is essential because together, these ports account for approximately 70 percent of the 5.7 million containers shipped by sea to the U.S. annually.

We have known for a long time that America’s ports needed an extensive security strategy and upgrade. In the fall of 2000, a comprehensive report was issued by the “Interagency Commission on Crime and Security in U.S. Seaports.” I testified before the Commission and I believe the group’s report serves as a very thorough primer on seaport security issues.

While often out of the public eye, ports across the United States are our nation’s economic gateways. Every year U.S. ports handle over 800 million tons of cargo valued at approximately \$600 billion. Excluding trade with Mexico and Canada, America’s ports handle 95 percent of U.S. trade. Two of the busiest ports in the nation are in California, at Los Angeles / Long Beach and at Oakland.

S. 1214, the Senate-passed bill written by Chairman HOLLINGS and members of the Commerce Committee, was drafted before the September 11 terrorist attacks to incorporate the recommendations made by the Interagency Commission into law. While changes were made to this legislation before the Senate passed it in December of 2001 to

focus more on antiterrorism, I believe the Conferees could have taken more aggressive action to improve the bill.

I would like to cite a few examples to show how this Conference Report is weaker than the Comprehensive Seaport and Container Security Act I have introduced.

The Feinstein-Kyl-Snowe-Hutchison port security bill establishes a comprehensive risk profiling plan for the Customs Service to focus their limited inspection capabilities on high-risk cargo containers.

However, the only mention of such a plan in the Maritime Security Act conference report is this paragraph of report language: “A vessel screening system which provides shipping intelligence and analysis can be utilized to identify those vessels requiring close inspection by the Coast Guard and other agencies. We urge the Coast Guard and port authorities to include vessel risk profiling in their enhanced security procedures.”

The Feinstein-Kyl-Snowe-Hutchison port security bill strengthens U.S. security scrutiny beyond our Nation’s borders to monitor and inspect cargo and containers before they arrive on America’s shores.

However, the conferees of this Maritime Transportation Security Act only required foreign ports to be evaluated and authorized a program for U.S. officials to train foreign security officers abroad.

The Feinstein-Kyl-Snowe-Hutchison port security bill imposes steep monetary sanctions and criminal penalties for incorrect cargo manifest information or failure to comply with filing requirements.

However, the conferees of this Maritime Transportation Security Act only authorized civil penalties of up to \$25,000 for a violation.

The Feinstein-Kyl-Snowe-Hutchison port security bill requires the Transportation Security Administration to set standards to ensure each port has a secure perimeter, secure parking facilities, controlled points of access into the port, sufficient lighting, buildings with secure doors and windows and an alarm.

However, the conferees of this Maritime Transportation Security Act only required vulnerability assessments and a National Maritime Transportation Security Plan.

The Feinstein-Kyl-Snowe-Hutchison port security bill requires the use of high security seals and electronic tags on all containers coming into the U.S. and requires empty containers destined for U.S. ports to be sealed.

However, the conferees of this Maritime Transportation Security Act only mandated the development of performance standards for seals and locks on cargo containers.

I have pointed out several areas where I believe the Conferees could have taken more aggressive steps, but I do want to endorse many of the security measures in this conference report

such as the requirement for all workers in a secure area of the port to have a transportation security card and I support the \$15 million annual authorization for 5 years to fund research and development efforts.

I thank Senator HOLLINGS, Senator MCCAIN, and other members of the Commerce Committee for the work they have done on this important issue.

I look forward to continue to work with the chairman and ranking member of the Commerce Committee to address the threats to our ports. I believe additional legislation will be essential to follow up on this security bill. We must be better prepared for a terrorist attack than we were last year.

Mr. KERRY. Mr. President, I would like to take this opportunity to congratulate Senator HOLLINGS and Senator MCCAIN the Chairman and Ranking Member of the Commerce Committee for reaching an agreement with the House on the Maritime Transportation and Security Act of 2002, S. 1214. I am proud to have served as a conferee on this very important legislation that will significantly improve security in our Nations seaports. In addition the bill would reauthorize the Coast Guard, a major component in improving security in our ports and harbors.

As Chairman of the Oceans, Fisheries and Atmosphere Subcommittee, I had the opportunity to chair an oversight hearing on the Coast Guard’s role in improving maritime security after the terrible attacks of September 11. As Senators HOLLINGS and MCCAIN well know, even before September 11, our maritime and port security was in sorry shape.

I wish to thank Chairman HOLLINGS for including three provisions from S. 1587, the Port Threat and Security Act, which I introduced last year in order to improve safety and security in our nations ports.

The first provision requires an annual report to the Congress that would list those nations whose vessels the Coast Guard has found would pose a risk to our ports, or that have presented our government with false, partial, or fraudulent information concerning cargo manifests, crew identity, or registration of the vessel. In addition the report would identify nations that do not exercise adequate control over their vessel registration and ownership procedures, particularly with respect to security issues. We need hard information like this if we are to force “flag of convenience” nations from providing cover to criminals and terrorists. This is very important as Osama bin Laden has used flags of convenience to hide his ownership in various international shipping interests. In 1998, one of bin Laden’s cargo freighters unloaded supplies in Kenya for the suicide bombers who later destroyed the embassies in Kenya and Tanzania.

Also included from S. 1587, was my proposal on Sea Marshals. Sea Marshals would be authorized to be used on

vessels as well as shore facilities both private and public to ensure safe transportation of high interest vessels into our ports, such as liquefied natural gas tankers and cruise ships. In Boston we have an LNG facility in the middle of Boston Harbor. Obviously we need increased security each time an LNG tanker offloads natural gas. Prior to September 11 these vessels were escorted by Coast Guard vessels into the port but no armed guards were present on the vessel. I strongly believe that having armed personnel, such as sea marshals, on these high interest vessels is very important and will considerably increase security in our Nation's ports, including Boston. The ability of terrorists to board a vessel and cause a deliberate release of LNG or gasoline for that matter is very real. Sea marshals will make it much more difficult for this to happen. In addition, this legislation would require a feasibility study to determine the potential to use other Federal, State or local law enforcement personnel as well as documented United States Merchant Marine personnel as sea marshals in the future.

Finally, this legislation includes a provision that would require the administration to begin a vigorous foreign port threat assessment program. Inspectors would evaluate the effectiveness of security practices in both cargo and passenger terminals around the world. This legislation allows the United States to prohibit any vessel from entering the United States if the vessel has embarked passengers or cargo from foreign ports that do not have adequate security measures as determined by our port threat assessment teams. Last year, inspectors in Italy checking a container bound for Canada discovered a member of the al-Qaida terrorist organization hiding in a shipping container equipped with a bed and makeshift bathroom. The suspect, an Egyptian in a business suit, had with him a Canadian passport, a laptop computer, two cell phones, airport maps, security passes for airports in three countries and a certificate proclaiming him an airplane mechanic. We simply cannot allow any country to have such poor security such that terrorists can stow away in a shipping container.

As I mentioned earlier this bill would also reauthorize the Coast Guard. The events of September 11 resulted in a new normalcy for the Coast Guard as port security and homeland defense missions rose to the forefront and our country realized the security shortcomings in our ports. This legislation recognizes this fact and authorizes nearly \$6 billion for the Coast Guard in 2003. Obviously this country needs a viable and robust Coast Guard to safeguard our ports, and to ensure that commerce and trade can continue to occur in our ports, safely, efficiently and most importantly without terrorist incident.

At the same time, the Coast Guard also has unique missions not covered

by any other federal agency. It is the only U.S. military service with domestic law enforcement authority. It has the primary responsibility of enforcing U.S. fisheries laws, carrying out drug interdiction at sea, and protecting the marine environment against pollution. I want to make it clear that all of these missions are important. And these traditional missions are suffering from resource constraints.

This bill would also increase authorization for Coast Guard personnel from approximately 35,000 today, which is roughly the size of the New York City Police Department to 45,500 by the end of this fiscal year.

This bill would authorize \$4.3 billion for operating expenses in FY2003. Operating expenses cover all of the various activities of the Coast Guard, from boater safety and drug interdiction to port security, and adequate authorization is necessary to ensure that all of these Coast Guard operations can be carried out effectively.

This bill would also authorize \$725 million in FY2003 for acquisition, construction, and improvement of equipment and facilities. Most of this funding will be used to fund the Deepwater Project, a long overdue modernization of the Coast Guard's Deepwater assets. The Coast Guard is the world's 7th largest navy yet they operate a fleet of ships that rank 39th in age out of the world's 41 maritime fleets. The Coast Guard is operating World War II-era cutters in the deepwater environment to perform crucial environmental protection, national defense, and law enforcement missions. In addition, Coast Guard aircraft, which are operated in a maintenance-intensive salt water environment, are reaching the end of their useful lives as well. Besides high operating costs, these assets are technologically and operationally obsolete. The Deepwater program will not only reduce operational and maintenance costs, but will significantly improve upon current command and control capabilities in the deepwater environment. I am delighted to see this program moving forward.

Every day on average, the Coast Guard saves 14 lives, seizes 209 pounds of marijuana and 170 pounds of cocaine, and saves \$2.5 million in property. Through boater safety programs and maintenance of an extensive network of aids to navigation, the Coast Guard protects thousands of other people engaged in coastwise trade, commercial fishing activities, and recreational boating. In addition, the Coast Guard has a role to play in Homeland Defense. It is vitally important that we adequately fund and staff all of the missions of the Coast Guard. This legislation, while not as generous as many of us would like, is a step in the right direction.

Ms. SNOWE. Mr. President, I rise today in support of the legislation before the Senate which is designed to overhaul port security in this Nation. Port security is a national imperative

in the wake of September 11. Frankly, I think it is regrettable that it has taken us this long to get to this point. After all, like aviation security, port security is national security, and it must now be viewed as such. We have to assume that every facet of our transportation system remains a target for terrorism. Last year, we moved swiftly in an effort to close many of the gaps in our aviation security system, but we still have a long way to go on port and maritime security.

We cannot underestimate the importance of this issue. A terrorist attack at a major port could cost countless lives and have a devastating impact on the national and global economy. As U.S. Customs Service Commissioner Robert Bonner said recently, "if terrorists used a sea container to conceal a weapon of mass destruction and detonated it on arrival at a port, the impact on global trade and the global economy could be immediate and devastating—all nations would be affected." At the same time, the 2000 interagency commission report found the state of security in U.S. seaports generally ranges from poor to fair.

Remember, our ports link us to the world. They serve a crucial purpose. They give us access to global markets. Ships carry goods totaling 95 percent of our foreign trade, excluding that with Canada and Mexico. Furthermore, the volume of goods passing through our ports is expected to double in the next 20 years. United States waters also sustain a \$24 billion commercial fishing industry and a \$71 billion recreational and tourism industry.

As a member of the Senate Committee on Commerce, Science, and Transportation and the port security conference committee, I am aware of the important responsibility we have to turn this situation around. And we can only achieve this with a comprehensive, exhaustive approach that recognizes that the entire system is only as strong as its weakest link.

The conference report before us today represents a multifaceted approach that runs the gamut and sets the stage for a complete reevaluation of port security from the ground up. We have an incredible amount of collective talent and experience in this country, and I hope that it can all be brought together to effect the kind of changes we need to fix the deficiencies brought tragically home by 9/11.

First and foremost, it is vital that we ensure that the sum total of the knowledge and resources of Federal, State, and local governments are brought to bear to both prevent disasters and respond to them. In that light, coordination is critical, and the measure before us today provides for greater coordination in this regard. In the wake of the September 11 attacks, we saw outstanding responses at the local level, but these actions were ad hoc—there were no national, standardized directives that could have been quickly disseminated and uniformly understood

and applied—in contrast to the FAA directive to ground all planes, which was enormously successful.

Well, I do not think there is any doubt we can no longer afford such a piecemeal approach—if we are talking about our national security, which we are, we are talking about the need to establish a national response.

To confront the challenge of terrorism aimed at our maritime sector, we need better information, better information sharing, and more coordination. We need to enhance our ability to track cargo, and know what is being moved, with more inspectors, and improved technology. And we need stringent international standards, so we stop terrorist plots before they reach our shores.

Security coordination between Federal, State, and local authorities has been one of my top priorities in the aftermath of September 11, and I am pleased that the conference report greatly enhances coordination with respect to port security. The bill requires comprehensive security and incident response plans for the Nation's 361 commercial seaports. It also establishes a national maritime security committee and local maritime security committees at each local port to better coordinate efforts and share critical information and intelligence.

I am particularly pleased that the conference report includes provisions that build on legislation I introduced last fall to require ships to electronically send their cargo manifests to a port before gaining clearance to enter. The port security conference report expands on cargo security measures contained in the Trade Act of 2002 by requiring that cargo and crew member information be relayed to port security authorities prior to a cargo carrier's arrival in the United States. The U.S. Customs Service would determine how far in advance to require such pre-arrival information.

The bill will also provide grants to local port security authorities, as well as \$15 million annually during fiscal years 2003 through 2008 for research and development grants for port security. I have seen firsthand how important these port security grants are. In my home State of Maine, the city of Portland recently received a Federal grant of \$175,000 for port security upgrades. However, the fact is that ports in Maine and across the country still need additional security-related funding.

The conference report also addresses the complex issue of access to secure areas of a port by requiring the Secretary of Transportation to design a comprehensive credentialing process for port workers. The bill establishes a national standard for biometric security cards for transportation workers, and would allow the Secretary to determine whether an individual posed enough of a security risk to be denied an identification card.

Finally, as ranking member of the commerce Committee's Subcommittee

on Oceans, Atmosphere, and Fisheries, I am pleased that this conference agreement includes provisions from my Coast Guard authorization bill. The conference report will provide the Coast Guard with the funding and personnel authorization levels it needs as well as over 30 other provisions important to the Coast Guard and the maritime community. This is the first time the Coast Guard has had an authorization bill since 1998 and it was drafted to provide the Coast Guard with the tools it needs to operate in our post-September 11 reality.

The legislation provides a 1-year authorization for the Coast Guard to reflect the agency's changing priorities since September 11, including authorization for \$1 billion in new funding, as President Bush proposed in Portland, ME in February, and the authority to hire 5,500 new personnel to meet both its new homeland security needs as well as carry out its other traditional missions.

This bill also includes numerous measures which will improve the Coast Guard's ability to recruit, reward, and retain high-quality personnel. It addresses various Coast Guard personnel management and quality of life issues such as promotions, retention, housing authorities, and education.

Last year alone, the Coast Guard responded to over 40,000 calls for assistance, assisted \$1.4 billion in property, and saved 3,355 lives. These brave men and women risk their lives to defend our borders from drugs, illegal immigrants, and other national security threats. In 2001, the Coast Guard seized a record 132,920 pounds of cocaine and 50,000 pounds of marijuana, preventing these substances from reaching our streets and playgrounds. They also stopped 4,210 illegal migrants from reaching our shores. They conducted patrols to protect our vital fisheries stocks and they responded to over 11,000 pollution incidents.

And in the wake of September 11, the men and women of the Coast Guard have been working harder than ever in the service's largest peacetime port security operation since World War II. These operations are all critical to defending our country, protecting our borders, preserving our environment, saving lives, and ensuring commerce moves safely through our waters.

As a conferee on this bill, I am proud of the work we have done, and that we are sending a strong and meaningful port security bill to the President. We know full well that the world has changed, and seaport security cannot be taken for granted. We also know that our transportation system must be secure if we are to move the Nation forward, and also ensure that we are in a position of strength to be able to wage the kind of war necessary to eradicate terrorism.

So I urge all my colleagues to offer a strong show up support for this important legislation.

Mr. WYDEN. Mr. President, I rise to express my strong support for the im-

portant agreement that my fellow conferees and I achieved in the conference on the Port and Maritime Security bill. For many months, our staffs have worked tirelessly to help us reach an agreement that meets the needs of security while allowing commerce to flourish. This bipartisan legislation strikes a good balance between security and trade, and I'm glad to see that it will be headed for the President's desk.

This legislation, of which I am an original cosponsor, aims to protect U.S. ports against terrorist attacks. The safer Oregon's ports are, the more prosperous they will be. I am also pleased to see that many programs important to Oregon will continue to thrive. These programs play a critical role in supporting Oregon's commerce and ports, which support 1 in 7 jobs in the State. The Maritime Fire Safety Association on the Lower Columbia will continue its important work along with the important Coast Guard stations that maintain safety and manage fisheries for communities on the Columbia River and along Oregon's coast.

In addition to safeguards for Oregon businesses, I am also pleased that the agreement recognizes the important environmental laws that help maintain our State's environmental treasures and will continue to protect Oregon's ocean and coastal environment.

I especially want to commend Chairman HOLLINGS for his perseverance on this legislation, and I thank my fellow conferees for their hard work on this important bill.

Mr. BIDEN. Mr. President, today, the Senate will consider and approve a final agreement on maritime and seaport security. This important legislation will address critical security issues at America's seaports, and I rise to applaud the efforts of Chairman HOLLINGS and my other colleagues who served on the conference committee that brokered this historic agreement.

Conference negotiations always involve a delicate dance of give-and-take. In this case, the conferees have been true to the intent and spirit of the originally passed legislation. They have retained important improvements, including a requirement that ports develop terrorism response plans; the creation of a coordinated maritime intelligence system; and a mandate that the U.S. Department of Transportation conduct background checks of port workers and require worker identification cards. As important, the agreement reflects some of the priorities I advanced in my own port security legislation—including enhanced requirements for the electronic submission of cargo information and the development of a uniform system for securing containers destined for the United States. This legislation, while not a cure-all, constitutes a substantial improvement over the current security situation at many of our Nation's ports, and I proudly cast my vote in favor of it.

That said, passage of this legislation should not lessen our resolve to remain vigilant in our efforts to protect America's seaports. Each year, an estimated 11 million containers worldwide are loaded and unloaded at least 10 times. The U.S. marine transportation system alone moves more than 2 billion tons of domestic and international freight and imports 3.3 billion tons of oil. Surprisingly, notwithstanding the magnitude of cargo transported by sea, there exists no uniform or mandatory standards for security at leading facilities, no uniform or mandatory system of sealing containers, and no independent checks to ensure that basic safeguards are undertaken.

In order to remedy these gaps in our current security scheme, there remains much work to be done. As I have suggested, we should recalibrate our transportation agenda to focus more squarely on threats to sea and land. We should adopt stiffer criminal penalties, including enhanced penalties for noncompliance with certain reporting requirements; continue to explore policies and technologies that will ensure container security—shockingly, as an independent task force recently observed, most containers are now sealed with a 50-cent lead tag—make sure that border agents are trained and equipped to detect threats like nuclear devices, which would easily be concealed in the mass of uninspected cargo that enters the United States each day; work in partnership with the trade community to ensure appropriate data security; and provide for proper data collection and reporting systems that capture the magnitude of serious crime at seaports and related facilities.

Let there be no doubt about it: this legislation provides no reprieve from our obligation to safeguard the homeland. The task will be difficult and requires dogged perseverance, but the building blocks are before us. Moreover, we know what we must do: first, we must have solid intelligence to identify and track our enemies; second, we must erect the proper barriers and preventive strategies to keep weapons and other instruments of destruction out of their hands; third, if those strategies fail, we must be prepared and able to stop any threat before it arrives on our shores; and fourth, as a fail-stop measure, we must have the capacity to detect and destroy any threat that makes its way to our borders. No matter what your political stripe or special interest, those basic principles must guide our fundamental strategy. And this legislation moves us substantially in that direction. I am committed to continuing to work aggressively on these issues in the 108th Congress and invite my colleagues on both sides of the aisle to join me.

Mr. NELSON of Florida. Mr. President, I rise in support of the Maritime Transportation Security Act of 2002. Of all of the important legislation we have worked on this year to protect our Nation from further acts of ter-

rorism, I consider this bill to be one of utmost importance.

Most terrorist attacks around the world target transportation, and the Nation's 361 seaports, 14 of which are in Florida, are especially vulnerable. Our seaports are open and exposed to acts of terrorism as well as to drug trafficking, cargo theft, and especially important to Florida, the smuggling of illegal immigrants. The fact that many of our ports are located in and around large urban areas makes the security of the seaports of paramount importance. The extreme vulnerability of the urban areas in and around seaports was underscored recently by the fishing boat that eluded Coast Guard interdiction and arrived just off the shores of Key Biscayne, FL, carrying a large number of Haitian immigrants. Had this boat carried terrorists or dangerous cargo, a tragedy might have occurred.

A terrorist attack at our seaports would produce devastating effects both in terms of loss of life and in economic disruption. Florida's seaports play a critical role in our national, State, and local economies. Florida's seaports are major gateways of commerce for the flow of goods and passengers along the Nation's and Florida's transportation corridors of commerce. Florida ranks fourth in the Nation's total container movements, and is home to four of the major container ports in the country.

Florida has the top three busiest cruise ports in the world. Approximately twelve million passengers embarked or disembarked at Florida seaports during 2001 and approximately 80 percent of those passengers were U.S. citizens. The security of the Nation's seaports is crucial to the future of the cruise tourism industry.

Although Florida has the largest international water border in the continental U.S., and thus the largest Federal maritime domain of any State in the continental U.S., Florida's seaports receive very limited Federal law enforcement resources, and no Federal funding for security infrastructure to provide the security controls necessary to protect themselves from threats of large-scale terrorism, cargo theft, drug trafficking, and the smuggling of contraband and aliens. The increased threat of terrorism at our borders demands that action be taken immediately.

This legislation lays out important security measures that must be taken to ensure the safety and security of our seaports. It significantly increases funding for the Coast Guard to \$6 billion in fiscal year 2003. It also authorizes \$90 million in research and development grants to improve our ability to screen cargo for dangerous contraband, to detect unauthorized people or goods from entering through seaports, and to secure access to sensitive areas of our ports. This bill also mandates the development of standards for training Federal, State, and private security professionals and provides funding to

carry out that training and education. It also mandates for the first time, the development by ports, facilities, and vessels, of comprehensive security and incident response plans.

Unfortunately, the final version of this legislation does not include a dedicated funding source necessary to carry out the needed security measures. The grant program it establishes will help fund some of the security enhancements, but there must be more funding allocated to individual seaports. Florida has already spent more than \$7 million securing our 14 deep-water seaports. Florida needs more Federal funding to comply with the mandated security measures of this bill. We must also ensure that ports that have already spent substantial amounts of funding on security measures are reimbursed for those improvements. Without a dedicated funding source, it is hard to see how we will achieve the high level of security at our seaports envisioned by this bill.

No one deserves more credit for the passage of this important legislation than my good friend and colleague Senator BOB GRAHAM. It is an important step forward to securing our seaports and making our nation safer. But, as Senator BOB GRAHAM has said, we have much more to do. I look forward to working with him and my colleagues on the Commerce Committee to take the next steps in making our seaports safe.

Mr. MCCAIN. How much time remains on both sides?

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from South Carolina controls 17 minutes; the Senator from Arizona, 11½.

Mr. MCCAIN. Mr. President, I am glad to yield some of my time to the Senator from South Carolina, if he needs it.

Mr. HOLLINGS. I appreciate it.

Let me thank the distinguished Senator from New York. He is right as rain. We did not get adequate funds. That was a struggle over on the House side. That was the Gordian knot broken by our distinguished minority leader, Senator TRENT LOTT. But we are going to have to find not only the money for the research, we will have to find about \$4 billion at least to implement this measure.

I thank the Senator from New York. I particularly thank the Senator and chairman of our subcommittee, Senator BREAU. We had those six field hearings. We had the Director of Customs there. We had the Commandant of the Coast Guard. They were very comprehensive hearings with limited time. I can tell you now, we saw at one particular port a Ford pickup truck back out of that container, and another container that we happened upon had a bunch of mahogany desks from Mexico that we didn't see at the particular time. But later on up in Delaware, the Philadelphia area, it was opened up. It was all full of cocaine. So we made a good raid at one of those hearings.

Otherwise, the chairman on the House side, Mr. DON YOUNG, and his ranking member, JIM OBERSTAR, worked around the clock. They had to feel like we had over on the Senate side to take care of this with the user fee. But we just couldn't get the support on the House side. We are only here on account of the leadership of Chairman YOUNG and Congressman OBERSTAR. We had Senator TED STEVENS reconciling a good bit of the differences from time to time. And in the financial area, we had Senator BOB GRAHAM and Chairman CHUCK GRASSLEY of the Finance Committee who worked with us.

I think we ought to understand that this, for the first time, requires a national maritime security plan. As part of the plan, each regional area would be required to have a security plan. It requires for the first time ever that all waterfront facilities and vessels have a security plan that would have to be reviewed and approved by the Coast Guard. It requires for the first time ever that the Government will do assessments of security at our ports, and these reports would be the basis for port security planners. The security requirements will be implemented instantly after review by the Coast Guard, and the act would be fully implemented within 1 year.

We have background checks on all of the employees. We have the development of technology for seaport security, the maritime intelligence system; that requires tracking of vessels through satellite legal authority over territorial waters, advanced reporting requirements for vessels and cargo. And one final word: We did work with the unions in this particular measure. The White House, the unions, the Republicans, the Democrats, the House, the Senate worked out those background checks on union employees. So when we got together and much has been said that on the homeland security bill that was the holdup—we worked out a very comprehensive system that was approved by all and will give security to our port facilities.

I thank the distinguished Senator from Arizona for his courtesy in yielding and his leadership on this particular measure.

The PRESIDING OFFICER. The Senator from Arizona controls the remainder of the time.

Mr. MCCAIN. Mr. President, I want to go back for a moment to the discussion I had with the Senator from Delaware concerning rail security.

First of all, I agree with the Senator from Delaware. We need absolutely to pass that legislation, particularly now that we have acted on airport and port security. Rail security is obviously a very critical item. My point was that there are two bills: One is S. 1550, the rail security bill, which provides \$1.7 billion, \$515 million for Amtrak systemwide security, and then \$998 million for tunnel life safety projects in New York, Baltimore, and Washington, DC, which comes up to \$998 million, and

\$254 million for safety and security improvements.

That bill I supported and worked through the committee and would support it, even though over 50 percent of it goes for just three areas: New York, Baltimore, and Washington, DC. But that is where tunnels that need work are located.

I was referring also to S. 1991, which is the Amtrak reauthorization, which calls for \$4 billion annually and also includes the provisions of S. 1550. Holds were put on S. 1550. I do not support S. 1991 because it authorizes as much as \$4 billion annually.

The Senator from Delaware always talks about the fact that we subsidize aviation projects. We do. We do primarily through user fees. There are no user fees that are imposed on the rail-ways of America and Amtrak.

I am pleased with some of the actions that have been taken by the new regime over at Amtrak. The new chairman is doing a much better job in making some very tough decisions.

I look forward to working with the Senators from Delaware. The junior Senator from Delaware, Mr. CARPER, has been very committed and involved in the project. I look forward to working with him and Senator HOLLINGS. A top priority will be, in my view, rail security; we should pass it.

I want to make it clear I don't believe other extraneous projects should be associated with it. The Amtrak reauthorization should be taken up on its merits or demerits. But I hope we can move forward with S. 1550, the rail security bill. Holds have been put on the bill. It has received my support, as well as that of the distinguished chairman of the committee.

The issue of Amtrak rail security is of prime importance. The issue of the future of Amtrak is also of significant importance—not as important as that of rail security. I look forward to working with Senator HOLLINGS and the Senators from Delaware and the members of the committee, including Senator BREAUX, as we try to work through this whole issue of the future of Amtrak. There are a number of different kinds of proposals, and Mr. Ken Mead of GAO, under whose responsibilities Amtrak lies, is one to whom all of us pay a great deal of attention.

Finally, I again thank Senator HOLLINGS for his leadership on this very important legislation. I don't think there is any doubt in the minds of most safety and security experts that port security is an area of significant vulnerability. We hold no illusions there will be immediate confidence that we can have security in the airports of America, but I am confident that the implementation of this legislation, over time, will provide Americans, to a large extent, with the security and safety that is necessary in the ports of America.

In some ways, you can argue that the way the ports operate in America, the challenges are even greater than at the

airports, or even rail security, given the hundreds of thousands of containers that come through these ports on a daily basis, and how vital they are to the economy of the United States, as we found out in the slowdown/strike in the west coast ports recently.

So I again thank all involved. I also thank our friends in the other body, the House, and also for the involvement of the administration.

Mr. President, I yield whatever remaining time I have to the Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Senator from Arizona. I am glad to hear him say we are going to work together on port security and the reauthorization of Amtrak because that is vital. I think if the leader here, the Senator from Nevada, and the other side are ready, we can yield back time and proceed to the vote. I yield back any time I may have. I thank the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The Senator from Arizona and the Senator from South Carolina yielded back their time. I think it is appropriate to start the vote a couple minutes early.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—95

Akaka	Crapo	Kerry
Allard	Daschle	Kohl
Allen	Dayton	Kyl
Barkley	DeWine	Leahy
Baucus	Dodd	Levin
Bayh	Domenici	Lieberman
Bennett	Dorgan	Lincoln
Biden	Durbin	Lott
Bingaman	Edwards	Lugar
Bond	Ensign	McCain
Boxer	Enzi	McConnell
Breaux	Feingold	Mikulski
Brownback	Feinstein	Miller
Bunning	Fitzgerald	Murkowski
Burns	Frist	Murray
Byrd	Graham	Nelson (FL)
Campbell	Gramm	Nelson (NE)
Cantwell	Grassley	Nickles
Carnahan	Gregg	Reed
Carper	Hagel	Reid
Chafee	Harkin	Roberts
Cleland	Hatch	Rockefeller
Clinton	Hollings	Santorum
Cochran	Hutchinson	Sarbanes
Collins	Hutchison	Schumer
Conrad	Inhofe	Sessions
Corzine	Jeffords	Shelby
Craig	Johnson	Smith (NH)

Smith (OR)	Stevens	Voinovich
Snowe	Thomas	Warner
Specter	Thompson	Wyden
Stabenow	Thurmond	

## NOT VOTING—5

Helms	Kennedy	Torricelli
Inouye	Landrieu	

The conference report was agreed to.  
Mr. HOLLINGS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### CHARITY AID RECOVERY AND EMPOWERMENT ACT OF 2002

Mr. SANTORUM. I thank the Presiding Officer. I appreciate the opportunity to speak. I am prepared to offer a unanimous consent on the CARE Act, which is the act that passed out of the Finance Committee 147 days ago. It is the Charity Aid Recovery and Empowerment Act of 2002. I will let the Members know what the legislation does, and then I will ask unanimous consent to consider the legislation before we leave.

This legislation came out of the Finance Committee with 28 bipartisan co-sponsors. More than 1,600 small and large charitable organizations support this act because it promotes giving, it promotes savings for low-income individuals, and makes the Tax Code more fair, particularly for the low-income and moderate-income individuals who do not fill out the long form on their tax return.

It provides 86 million Americans the opportunity to itemize charitable organizations, which now they cannot do because they do not fill out the long form. It allows 300,000 low-income individuals the opportunity to build assets through something that Senator LIEBERMAN and Senator FEINSTEIN and others on both sides of the aisle have promoted—individual development accounts. It will provide incentives for \$1 billion in food donations from farmers, restaurants, and corporations. It will provide \$150 million in a compassionate capital fund to provide money for smaller charities.

A lot of charities do not participate in government funding programs because they do not have the technical expertise to do so. We are providing money for technical assistance to some of the community grassroots organizations, faith-based organizations, and non-faith-based organizations to participate in providing social services in a very effective and compassionate way.

This is the way to do it. It adds something Senator LIEBERMAN was a great advocate of, \$1.2 billion in new social service block grant funds to provide social services to those in need in our society. It allows people to give tax-free contributions from their individual retirement accounts. Again, right now if

someone wants to give to a charitable organization, and you want to give it out of your IRA, you have to pay taxes and penalties. This allows for a distribution from people who have money in their IRA's who have a desire to give to charitable organizations. We will allow them to do that, liberating hundreds of millions and billions of dollars to faith-based organizations.

This is legislation designed in response to 9/11 and the recession we have been going through to try to target resources to these small, charitable organizations; to try to get moderate- or low-income individuals the opportunity to deduct the charitable contributions. One of the ways it is paid for is through corporate inversion. I argue we are nailing corporations that are moving their operations out of the United States and avoiding taxes. We are taking money that could be raised by these corporate inversion provisions and channeling it to those most in need in our society.

That is what the legislation does. There is one other provision I make clear. There is equal treatment language in this legislation. Let me state what that does. It is noncontroversial, equal treatment language. It says organizations that receive government funds can display a religious icon, that they can have a religious name. Believe it or not, I have been to many organizations, particularly in the Jewish community, and because they have a Hebrew name, they are automatically left off the list of organizations that can participate in government funds, even though they are not Jewish in nature. They may be Jewish, but they are not in any way affiliated with the Jewish faith. They just happen to be culturally a Jewish organization.

Having a religious name like St. John's should not eliminate you from participating in government funds, if you are not religious in nature, or do something unique for a religious purpose. You can have religious language in your chartering documents, you can quote the Bible in your chartering documents, and it should not eliminate you from Federal funds. Again, these are not controversial. You can use on your governing boards, nonprofits, not paid governing boards some sort of religious criteria as to who serves. So if you are the Mormon Church and have a governing board on your social service agencies, you can require they be Mormons. I don't know that necessarily discriminates against anybody in the sense these are not paid positions. They are church-affiliated. We are not discriminating in the hiring. We are talking about oversight of charitable organizations.

These are the provisions of this act. I believe if you look just at the four walls of this bill, there is not a lot of controversy in this legislation. What we have attempted to do, Senator LIEBERMAN and myself—we have been working this legislation now for almost 150 days. Obviously this is legislation

the President strongly supports. He believes we need to get this money out into communities to try to help those in need in our society.

We have been working with Senator DASCHLE. I thank Senator DASCHLE and Senator REID for their good-faith effort to try to move this legislation forward. As many here in the Chamber know, Senator DASCHLE said publicly over and over, over the past couple of years, he would give the President a vote on this initiative, which is just a piece of the President's faith-based initiative. He has worked diligently to try to make that happen.

We have been hotlining a unanimous consent agreement. The unanimous consent agreement would allow for four Democrat amendments on the substance of the legislation, attacking the substance of the legislation, and one Republican amendment.

I want to repeat we are allowing the Democrat side four amendments and we have accepted it on our side. We hotlined it this week. There is no objection on our side of the aisle to giving four times as many amendments to the Democrats as we have on this side.

I am hopeful that, given the importance of this legislation, given the fact this is going to help those in need at a time of economic distress and uncertainty, we can liberate literally billions of dollars to be targeted to organizations that want to help those in need in our society.

I ask unanimous consent that at a time determined by the majority leader, after consultation with the Republican leader—however, no later than the close of business of the Senate—the Senate proceed to the consideration of Calendar No. 496, H.R. 7, and it be considered under the following limitations: That there be 1 hour for general debate on the bill equally divided between the two managers, the only amendments in order, other than the managers' substitute, be the following: An amendment prohibiting proselytization using public funds, an amendment prohibiting discrimination using public funds, an amendment prohibiting direct funding of religion, an amendment preserving State and local government options—these amendments were provided to us by Senator DASCHLE, I believe to be offered by Senator REID—and a Republican amendment, to be offered by Senator GRAMM, is an amendment expanding benefits of land conservation provisions to all charities; the amendments be limited to 60 minutes each, to be divided between the proponents and opponents, with no second degrees in order. I ask following the disposition of the amendments and expiration of debate, the bill will be read a third time, and the Senate proceed to a vote on passage of the bill with no further intervening action or debate.

Several Senators addressed the Chair.

Mr. LIEBERMAN. Mr. President, reserving the right to object, and I will