

Shiite cleric, Grand Ayatollah Ali al-Hussein al-Sistani. The agreement brought an end to weeks of fighting between U.S. troops and Shiite militiamen loyal to radical cleric Muqtada al-Sadr.

Scattered clashes continued between Al-Sadr's loyalists and American forces in the radical cleric's Baghdad stronghold, Sadr City.

Iraqi officials want to prevent Al-Sadr from rebuilding his forces in Najaf. Toward that end, dozens of Iraqi soldiers and police raided Al-Sadr's Najaf office to search for weapons. Al-Sadr was not there at the time, and no weapons were found, although Iraqi officials said ammunition and mortars were confiscated from nearby houses.

U.S. and Iraqi government troops are not in full control of several cities and areas in Iraq, including Samarra in the north, Fallujah and Ramadi in the west, and the largely Shiite neighborhood known as Sadr City in eastern Baghdad, where a militia holds sway. Other cities and towns, such as Tal, have become guerrilla bastions where the U.S.-backed Iraqi government exerts only limited control.

In Samarra, U.S. commanders said their forces, accompanied by members of the Iraqi police and by national guard soldiers, drove into the city Thursday morning after gaining assurances from local Iraqi leaders that they would not be fired on. The local leaders said they sensed divisions within the insurgents' ranks between those who favored some accommodation with the Americans and those who rejected it, and felt secure enough to issue the temporary guarantee.

U.S. soldiers and the Iraqi police then convened a meeting of the U.S.-backed council, which chose a new mayor and police chief. After a few uneventful hours, the U.S. soldiers and the Iraqi police left.

However, commanders acknowledge that as many as 500 insurgents remain in Samarra. The guerrillas' preference is to strike at smaller U.S. or Iraqi units. In classic guerrilla style, they tend to hide their arms and blend in among city residents when faced with larger forces.

The U.S. troops pulled out at the end of the day for lack of a secure base to spend the night.

Maj. Neal O'Brien of the 1st Infantry Division, which patrols four provinces north of Baghdad that includes Samarra, said, "We will never give up our right to maneuver in any of our areas."

The U.S. approach in Samarra since spring had been to allow local leaders to work out a way to disarm or otherwise neutralize a stubborn insurgent force that had disrupted government and police activities in the ancient city of 200,000.

The largely Sunni Muslim population has long posed a major challenge for U.S. forces. The city was the site of a large-scale U.S. offensive last winter designed to flush out a guerrilla force thought to be composed of religious militants, anti-American nationalists and loyalists of Saddam Hussein's former Baath Party. During that offensive, a U.S. force of more than 3,000 soldiers also met little resistance as the guerrillas apparently melted into the populace.

But in recent months, residents say, Samarra had fallen back under insurgent control.

Mr. DAYTON. I yield the floor.

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The PRESIDING OFFICER. Under the previous order, the time having ar-

rived, the Senate will resume consideration of H.R. 4567, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

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

Schumer Amendment No. 3615, to appropriate \$100,000,000 to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses.

Reid (for Lautenberg) Amendment No. 3617, to ensure that the Coast guard has sufficient resources for its traditional core missions.

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

#### AMENDMENT NO. 3624

(Purpose: To increase the amount appropriated for firefighter assistance grants.)

Ms. MIKULSKI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself, Mrs. BOXER, Mrs. CLINTON, Mr. HARKIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. LEVIN, Mr. SARBANES, and Mr. SCHUMER, proposes an amendment numbered 3624.

On page 39, after line 5, insert the following:

SEC. 515. The amount appropriated by title III for the Office of State and Local Government Coordination and Preparedness under the heading "FIREFIGHTER ASSISTANCE GRANTS" is hereby increased to \$900,000,000.

Ms. MIKULSKI. Mr. President, I am going to speak about the compelling needs that our local fire departments have.

All of us, over the weekend, went to events commemorating September 11, 2001. We all spoke about how much we admired those men and women who stood up to defend the Nation, including those very brave first responders at the World Trade Center who dashed up over 75 floors in burning buildings to try to rescue people. They put themselves on the line, and many of them, as we know, perished on that horrible day.

Here in the Washington, DC area, as we know, the Pentagon was hit. We in Maryland had 60 Marylanders die that day. We had some die at the World Trade Center, but the majority were at the Pentagon. Some died on the airplanes. We had people die on those airlines, including a flight attendant who gave her life and was one of the people who tried to deal with the situation. We had others who died on those planes, such as a family who was leaving on a sabbatical—a husband and wife who were academics, with their two children. Again, we had people die at the Pentagon, such as one young man from Baltimore who was a financial analyst over at the Pentagon. Of those from Maryland who died at the Pentagon, 24 came from one county, Prince George's County. They were pri-

marily African-Americans who worked in this financial services area of the Pentagon. Imagine, 24 people, such as Odessa Morris who had just celebrated her 25th anniversary; or Max Bielke, who had been in the military and when he retired, he went back to work as a civilian employee because he loved it. He was the last man to leave Vietnam. He stamped all the papers at our embassy there. He was the last soldier out of Vietnam. So we mourn that day.

At the same time, we were proud of the Maryland response. I was particularly proud of the Chevy Chase rescue team. This is a volunteer fire department in Montgomery County that dashed across the Potomac under the doctrine of mutual aid to provide firefighting assistance on that horrible day, joining with our local fire departments from Northern Virginia and Rescue One from Chevy Chase, and stayed on the scene in order to be able to quell the fires that continued to burn. They were part of a FEMA search and rescue unit and they provided help. They were the ones who brought in the dogs to look for survivors. They were there night and day for several days and weeks.

I was very proud of the Chevy Chase fire fighters and of all our fire departments in Maryland who went up to the World Trade Center to dig in the wreckage to see if they could find any survivors. We know the story about what happened at the World Trade Center. Again, the Chevy Chase Fire Department is a volunteer fire department. They serve their community and country on their own time and their own dime. It cost the Chevy Chase Fire Department over \$300,000 to be able to be on the job. They did it willingly, unstintingly. Yet at the same time, we know those local fire departments cannot continue to function when we go on Orange Alert, and they continue on their own time and on their own dime.

One of the great things we created was the Fire Grant Program. The Fire Grant Program was an invention before 9/11 of Senator KIT BOND and me as part of a FEMA reform package, along with Congressmen HOYER and WELDON in the House. We did it in a bipartisan effort to make sure our fire departments—particularly our volunteer fire departments—had the right equipment they needed to protect the protector, and also the updated technology to be able to protect us.

When we created that program as part of FEMA, well before September 11, 2001, it was authorized at \$300 million. At the same time, what we know is that when we did that—after 9/11, the need was so compelling, working, again, on a bipartisan, bicameral basis, we authorized a fire grant program at \$900 million. What else do we know? We know there is compelling need. We know the fire administration, just in 2003, received almost 20,000 applications totaling \$2.5 billion in funding requests for local fire departments.

Imagine that. The fire administration received requests for \$2.5 billion.

Yet because of funding at around the \$700 million level, they could only fund 8,900 of those 20,000 requests. So we know the need is in the billions. We know we are authorized at the \$900 million level.

What my amendment will do, when I have the opportunity to offer it, is raise funding for fire grants to the authorized level of \$900 million. Why do we want to do that? We are facing new threats every day. Just over a month ago, when the administration raised the terror alert to Orange for the communities of Washington, New York, and New Jersey, we knew what the needs really were.

The bill we are considering today actually has funding at \$700 million. I know on Friday an amendment offered by the Republican leader, the majority leader, Senator FRIST, actually increased it by \$50 million. I will be offering an amendment at an appropriate time to raise it \$150 million so that we can bring it up to the authorized level of \$900 million.

What would this additional \$150 million mean? It would mean protective gear for 150,000 firefighters. It means local fire departments could buy 500 new fire trucks. It means they could buy 300 new rescue vehicles. But this is not about protective gear and fire trucks; it is about the tools our firefighters need.

First of all, they need the equipment to protect themselves, such as breathing equipment and fire retardation gear. We need to protect the protectors so they can protect us. Then, at the same time, they need other technology. What we also know is that this program gives us double value. If our first responders have the right equipment, they are ready to respond against not only a terrorist attack, but anything else that may happen to a community.

During those hurricanes that have been whipping Florida, we have had our first responders there, and they have the right equipment, as well as the radio equipment, to respond.

It also means the kind of equipment that we need not only when the Chevy Chase Fire and Rescue Department dashes across the Potomac but what they need if something happens on the beltway.

We in Baltimore had a terrible tanker explosion on I-95. Because our firefighters were prepared, they could deal with the hazmat situation. I could give a number of examples.

This is not just BARBARA MIKULSKI speaking. The Council on Foreign Relations, chaired by our former colleague, Senator Rudman—and we know the independence he has—issued an independent report last year. We also know he was the author of many balanced budget amendments. So we know he approaches it with Yankee common sense and the frugality for which he is very well known. So we have Senator Rudman, an independent personality, one who has always been frugal from a budget standpoint, and yet he is recommending more money.

What did the report show? That the United States remains ill prepared for a catastrophic attack; that fire departments across the country have only enough radios to equip half the firefighters on a shift; breathing apparatus for just one-third of our firefighters; and that only 10 percent of fire departments have the equipment to respond to a building collapse. That is the Rudman report.

Then Federal Emergency Management Agency and the National Fire Protection Association also did a study called "A Needs Assessment of the U.S. Fire Service." They found that 57,000 firefighters lacked the protective clothing they needed to protect themselves to protect us.

In Maryland alone, it would take \$52 million to replace protective gear for all of our firefighters. This is what we are talking about.

We do not want to just throw money at problems. We believe the fire grant is a model program because we refuse to earmark the grants. They are subject to peer review, so they are given on the basis of priority and merit. We know what our shortcomings are, and these various reports document them.

We talked about how last year there were 20,000 applicants and \$2.5 billion worth of requests. That speaks for itself. We have double value for this spending, not only for response to terrorist attacks but against all hazards, whether it is hurricanes, tornadoes, or the wildfires that hit the West. We need to be able to protect the local fire departments.

Mr. President, you know how expensive this equipment can be. You cannot do this on bingos and fish fries. They need the U.S. Government to stand behind them to do that.

There are over a million firefighters in the United States, of which there are 750,000 volunteers. Isn't that terrific? They really do save lives; they save homes; they save communities. We need to save them and to help them. They do not know what they are going to face when they enter a house to save a child trapped on the second floor. They may put out the flames in a factory that contains toxic chemicals. They are the first on the scene at any disaster. Firefighters are our protectors. Many are volunteers who work three shifts: one on a regular job, one with their families, and then another shift at the fire department. As I said, they cannot also then be expected to raise the money through charity, tip jars, and bingo. Of course they can do that because we always want local community support, but the equipment and gear they need is very expensive. A new fire engine costs \$300,000. A new rescue vehicle costs \$500,000. Self-contained breathing apparatus costs \$6,000.

Mr. President, you know how expensive it is. The Fire Grant Program is working. In my own community, the Forestville fire department, located in Prince George's County, was awarded funds for a new hydrant tanker. Why is

that so important? The last one contained just a couple of hundred gallons, where this one is over 2,500. This is right next door to Andrews Air Force Base. Any attack on the United States would mean they would have to respond under doctrine of mutual aid.

It is the same with the Kensington volunteer fire department in Montgomery County. We replaced a pumper truck that is dated to 1979. I could go all around the State of Maryland.

The amendment speaks for itself. Senator COCHRAN still is not here. I am sure the Senator is tied up. We have worked together on many occasions.

First, I really have enjoyed working with him on appropriations, on national security issues. As the chairman of the Subcommittee on Homeland Security, it has been a delight to work with him.

My amendment is very straightforward. What it does is raise the Fire Grant program to its fully authorized level of \$900 million.

As I have stated, the amendment speaks for itself. It increases the money to \$900 million, the authorized level. We believe the amendment is warranted because, as I have said, the Fire Administration received requests totaling \$2.5 billion, and since we cannot fund it at \$2.5 billion, I believe we need to take this important step and fund it at the \$900 million level.

The amendment speaks for itself. I now turn to the Democratic whip and ask him how should we proceed? I would like to offer my amendment. I would like to get a vote on my amendment. Should I ask for the yeas and nays now?

Mr. REID. Mr. President, through the Chair to the distinguished Senator from Maryland, we have a number of votes we are going to try to get lined up for later this evening. It is my suggestion that the Senator ask for the yeas and nays, and then at a subsequent time, we will figure out when we are going to vote on it.

Ms. MIKULSKI. Mr. President, I say to the Presiding Officer, to Senator COCHRAN, and to the whip, I would like to work with them in a way that would create the orderly disposition of my amendment.

I will withhold any rights to seek the yeas and nays. Is that an appropriate request?

Mr. REID. That is appropriate.

Ms. MIKULSKI. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. REID. Mr. President, through the Chair to the Senator from Massachusetts, I am wondering if the Senator from Massachusetts would withhold his recognition, following a very brief statement by the Senator from Nebraska who wishes to offer an amendment and then speak. It should take just a few minutes.

I ask unanimous consent that following the statement of the Senator from Nebraska, the Senator from Massachusetts regain the floor.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The Senator from Nebraska.

AMENDMENT NO. 3625

Mr. NELSON of Nebraska. I send an amendment to the desk.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, the pending amendment is laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 3625.

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

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

The amendment is as follows:

(Purpose: To maintain the State Homeland Security Grant Program at the fiscal year 2004 funding level)

On page 19, line 17, strike “\$2,845,081,000” and all that follows through line 22, and insert the following: “\$3,605,081,000, which shall be allocated as follows:

“(1) \$1,700,000,000 for formula-based grants, \$400,000,000 for law enforcement terrorism prevention grants, and \$30,000,000 for Citizen Corps grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided, That*”.

Mr. NELSON of Nebraska. I thank the minority assistant leader and my friend from Massachusetts for this courtesy to have this opportunity to speak for a few minutes about the first responder issue, as it relates to legislation before us today.

Since September 11, States and communities of all sizes have made great strides in preparing for another possible terrorist attack. Based on the National Strategy for Homeland Security's principle of shared responsibility, Federal, State, and local governments, together with the private sector and the American people, have worked in partnership to ensure that our first responders are well equipped and well trained. States and local governments are responsible for preparing and implementing multi-year plans to ensure our Nation's first responders receive the equipment and training they require so that we are not only securing our homeland, but we are actually secure in each of our hometowns.

The Senate's Homeland Security appropriations bill, S. 2537, slashes the primary first responder program by 45 percent, or \$760 million. My amendment would restore this funding back to the fiscal year 2004 total of \$1.7 billion. Called the State Homeland Security Grant Program, this is the primary source of coordinated funding for first responders. SHSGP, as it is referred to, allows States and local governments to build and maintain a base capacity by funding essential prevention, preparedness, response, and recovery capabilities within the State and across regional boundaries. Eligible uses include equipment, training, and exercises necessary to ensure our first

responders are prepared and that both urban and rural critical infrastructure is protected, something I am sure the Presiding Officer is interested in, coming from the neighboring State of Wyoming.

At least 80 percent of SHSGP is passed through to those who protect our hometowns: firefighters, police, EMTs, and other local emergency managers across the country. Nearly every State, even those that get additional money from the Urban Areas Security Initiative, UASI, will suffer a net loss in fiscal year 2004 under the Senate bill. Nearly half of all those States will see their efforts cut almost in half.

Funding cuts of this magnitude will mean that private/public partnerships will have to be dismantled, and countless hours of planning, training, and exercise will have to be retooled. Regional alliances will fall dormant. Training classes and exercises will be cancelled, and equipment purchases will be put on hold. In short, hometown security will suffer immeasurably.

The citizens of America expect that everything possible is being done to prevent another terrorist attack, and they expect that if another tragedy were to occur, the response and recovery will be immediate, well coordinated, and well trained. This vital work takes dedicated professionals executing well-rehearsed plans.

I have watched the vote counts on other amendments to this bill, and unfortunately it is clear that this amendment will not pass. This is extremely disappointing. It is disappointing to me and should be to all rural areas. Because I realize this will fall short of the required 60 votes, for the sake of time I will not force a vote on my amendment, but I do hope that as debate on funding for this important program proceeds, that everyone will come to the same conclusion I have: These funding cuts will undermine regional efforts and harm every State's ability to protect both its urban and rural critical infrastructure. Whether it is the protection of an urban shopping mall or the prevention of a rural bioterrorism incident that affects our food and water supply, critical infrastructures in every State must be protected.

If our goal is to make sure our homeland and hometown security is as strong as the weakest link, we must ensure that every link is strong and that there is no weak link in our protection. That includes food and local areas, as well as urban and populated areas. All must be protected.

I will make one further point on this subject. It is my understanding that an amendment may be offered that affects the funding formula for the State homeland security grant program. Currently, 38 percent of SHSGP funds are dispersed based upon a minimum funding formula, and the remaining 62 percent are dispersed to states based upon population. As I understand it, the amendment that may be offered would require the Department of Homeland

Security to change the 62 percent portion of the funds from a population based formula into a high threat and population density formula.

As someone who comes from a rural State, I plan to oppose this amendment and hope that my colleagues from smaller States and rural areas will do the same.

The proposed funding formula would have the effect of shifting a lot of the current funding from the smaller states and sending it to our largest States that meet loosely defined criteria such as threat, vulnerability, and the presence of critical infrastructure.

I wholeheartedly support funding for the first responder efforts in our major metropolitan areas, which is why I strongly support the current Urban Area Security Initiative program, which sends extra funding to these large areas. But I do not support paying for these programs by shifting funds away from our rural, less-populated states.

Nebraska would lose \$8 million under this proposed formula. I can't tell you how critical that is to a state like Nebraska and to all the communities in Nebraska that are trying to follow through on the preparedness plans the Department of Homeland Security asked them to implement. And a shift in formula like this one would pull the rug out from under them.

One needs to only look at the most recent terrorist attack in Russia and see that this attack was in a school in a rural area, and it is easy to understand that we must not be lulled into thinking that the rural areas are not going to be affected by any kind of terrorist activity.

Our country is only as safe as our weakest vulnerability. The State Homeland Security Grant Program has already been cut by 45 percent in this bill. Shifting funds away from our less populated states will further exacerbate the problem. We need to make sure every part of the country is prepared, regardless of location.

I thank my friend from Massachusetts for his courtesy, and I yield the floor.

AMENDMENT NO. 3625, WITHDRAWN

I ask unanimous consent to withdraw the amendment at this time.

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

The Senator from Massachusetts.

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

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

AMENDMENT NO. 3626

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask that it be counted under the agreement toward one of Senator MURRAY's amendments.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3626.

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

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

The amendment is as follows:

(Purpose: To require the President to provide to Congress a copy of the Scowcroft Commission report on improving the capabilities of the United States intelligence community)

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

SEC. 515. (a) Not later than 15 days after the date of the enactment of this Act, the President shall submit a copy of the Scowcroft Commission report to Congress.

(b) The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) In this section, the term "Scowcroft Commission report" means the report on improving the capabilities of the United States intelligence community that was prepared by the presidential commission appointed pursuant to National Security Presidential Directive 5 (May 9, 2001) and chaired by General Brent Scowcroft and that was submitted to the President in or around December 2001.

Mr. KENNEDY. Mr. President, I acknowledge and thank the leadership of the other side for their cooperation in working through this particular situation.

This amendment will require the President to give Congress a copy of the December 2001 Scowcroft Commission report on intelligence reform. A classified annex could be provided if necessary, although some of those who have seen the report say that it contains very little that would be harmful to National security. What is harmful to our security is the continuing refusal by the Bush administration to make the report public.

As my colleagues know, General Brent Scowcroft had a distinguished military career and served as the National Security Adviser to the first President Bush. Because of his broad experience with intelligence and his widely respected intellect and insights, the current President Bush appointed him as chairman of the President's Foreign Intelligence Advisory Board.

In National Security Presidential Directive 5, in May 2001, President Bush ordered a review of U.S. intelligence to ensure that U.S. intelligence capabilities are well designed to deal with that wide range of critical challenges facing the Nation. General Scowcroft was named to lead a commission to provide recommendations on intelligence reform as a result of that directive.

However, the report of the Scowcroft Commission, which was submitted 3 months after 9/11, continues to be classified, despite repeated requests from the Congress to release it.

On July 21 this year an article by Shaun Waterman of United Press International, discussing the Scowcroft recommendations was published. As the article stated:

Scowcroft's report, which remains classified, proposed giving the existing CIA Director budget, administrative and hire/fire control over the three largest and most expensive agencies, according to former Office of Management and Budget National Security Chief Richard Stubbings. The National Security Agency, which intercepts phone calls, faxes, emails and the like; the National Reconnaissance Office, which designs, builds and maintains spy satellites; and the National Geo-Spatial Intelligence Agency, which analyzes spy satellite photos, would all be taken out of the Pentagon's control and transferred—along with parts of the FBI—to the control of a modified director post.

That is the end of that report.

Obviously these reformed submitted in December 2001, are very similar to the reforms proposed by the 9/11 Commission in the summer of 2004. In fact, similar proposals on intelligence reform have been made for almost 50 years.

In 1955, a commission led by Herbert Hoover recommended splitting off CIA management duties so that the Director of Central Intelligence could focus on coordinating the entire intelligence community.

In 1976, the Senate Select Committee on Intelligence led by Frank Church recommended giving the Director control over intelligence budgets and relieving him of day-to-day CIA management responsibilities.

In 1976, former Secretary of Defense Clark Clifford recommended establishing a National intelligence director.

In 1985, Admiral Stansfield Turner recommended establishing a National intelligence director to oversee the entire intelligence community, with the CIA Director managing only the CIA.

Despite these and other recommendations, needed intelligence reforms were never enacted.

The 9/11 Commissioners were given a copy of the Scowcroft recommendations as background for their work, and the final report from the Commission drew significantly from his recommendations.

Governor Thomas Kean, Chairman of the 9/11 Commission, made this point clearly at a Senate Select Intelligence Committee hearing last Tuesday. He said:

And a number of the recommendations we've made have synthesized things from people like Scowcroft and a number of others who have made similar recommendations. And those recommendations have not been implemented.

Clearly, before we act on intelligence reform later this month, Congress should have benefit of General Scowcroft's recommendations as well. Congress faces a major task in reorganizing the intelligence community, at this time when the threats against our Nation are new and different. We must have the best information, advice and wisdom on this challenge, including a copy of the Scowcroft Commission report.

General Scowcroft, I am told, will be talking to Members of the Senate In-

telligence Committee this week in closed session about the report. But the meeting is for committee members only, is classified, and is off-the-record. I understand that none of the committee members will be permitted to read the report.

Frankly, that is ridiculous. Every Member of Congress has an interest in being well-informed before voting on intelligence reform. Every American has an interest too. The 9/11 Commission's report and its 41 recommendations are not classified, and General Scowcroft's should not be classified either.

Congress should not be forced to rely on sketchy press reports for information on an issue with such important consequences for our National security and our ability to fight the al-Qaida terrorists. It is irresponsible for the administration to keep Congress in the dark.

We hope to complete action on legislation to implement the 9/11 Commission recommendations before we adjourn. Given the enormous stakes for our Nation, it is unconscionable that the President has not already made an unclassified copy of the Scowcroft report available to us.

There is bipartisan support for release of the Scowcroft Commission report and recommendations. In July, the Democratic leader asked the President to declassify the report. During an August 16 Senate Armed Services Committee hearing on the 9/11 Commission recommendations, Senator WARNER, our distinguished Chairman, indicated that the Congress should have the report. He said:

For the record, the Scowcroft Commission report has not been released by the White House. So there has been some public discussion of its major points, so we're going to look into seeing whether or not we can have greater access to it.

Senator ROBERTS, the Chairman of the Intelligence Committee, also seeks the Scowcroft Commission report. At the same hearing, he said:

I just had a talk with Brent Scowcroft last Thursday, and even at my age, I begged him on hands and knee to release the report to the Intelligence Committee and to the Armed Services Committee.

At our August 17 hearing, Senator ROBERTS said he agreed that "it would be very helpful" if the Scowcroft recommendations were released.

Secretary of Defense Donald Rumsfeld has also indicated that he can't see any reason why the Scowcroft Report should not be declassified. When he testified in the Senate Armed Services Committee last month, he said:

I've been briefed on the Scowcroft Commission report. I don't see any reason why there shouldn't be a process going through and see what portion of it can be declassified. I don't know who classified it in the first place. It wasn't the Department of Defense, to my knowledge. . . .

Why does the administration refuse to declassify the report and make it available to Congress? Why would the

administration knowingly put the Congress in the position of acting on an intelligence reform proposal with enormous consequences for our National security, without having an unclassified copy of this crucial report?

The obvious reason is that the administration is desperate to avoid embarrassment about the President's mishandling of intelligence reform.

The Scowcroft report and recommendations are nearly 3 years old. They were submitted to President Bush in December 2001—just 3 months after the devastating attacks on September 11. Now, finally, we are about to enact long-overdue reforms to enable our intelligence community to deal more effectively with terrorist threats and other threats to our security.

The President needs to come clean. He should release a declassified copy of the report to the Congress so we can act responsibly on intelligence reform. The American people can decide for themselves whether the President has dragged his feet on intelligence reform for nearly 3 years, despite his current rhetoric about the need for change.

I urge the President to declassify the Scowcroft Commission report immediately, and that is what my amendment would do.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate very much the Senator's amendment and discussion of the Scowcroft Commission report and whether the contents of that report should be declassified. That is, as I understand it, the purpose of the amendment, to make that information public.

What I hope we can do in the consideration of this appropriations bill is to keep our attention focused on the funding of the Department of Homeland Security activities. That is the purpose of this appropriations bill. We have worked very hard with colleagues on the Appropriations Committee to identify priorities. We fully considered the President's budget request on issues surrounding funding levels. We know we do not have unlimited budget authority. We are limited by an allocation from the full Committee on Appropriations in the Senate.

I hope we defer this issue to the consideration of the authorizing committee. The Intelligence Committee has this issue under review. As a matter of fact, this issue has already been raised, as I understand it, in hearings that are being held in consideration of the so-called 9/11 Commission recommendations. We have had that report before the Senate. There are a number of other committees looking into these issues.

But the Appropriations Committee is trying to get funds approved by the Congress to fund the Department of Homeland Security needs for this next fiscal year beginning October 1.

I don't know whether the Senator wants a vote on his amendment, or maybe at the appropriate time after

other Senators have had an opportunity to discuss their views, if they so choose, we could move to table the amendment. That would be my suggestion, that we remove that amendment from this bill and let it be handled by some other committee.

I am sympathetic with the concerns the Senator has expressed, but I really do not think we ought to convert the consideration of an appropriations bill into consideration of whether to declassify or not the Scowcroft Commission report. That is my reaction to the amendment. I hope the Senate will consider our views.

Mr. KENNEDY. Mr. President, will the Senator allow me to respond?

Mr. COCHRAN. I am happy to yield to the Senator.

Mr. KENNEDY. Mr. President, I think the Senator is quite correct in terms of understanding that with an appropriations bill there are rules about whether we have legislation, et cetera, on appropriations, and that is done for good reason. The Senator has outlined some thoughts. The authorization, as the Senator knows, has already been passed and is now in conference.

Let me mention this point, because we looked very carefully at this issue.

The Scowcroft Commission deals with the amendment. There is the requirement that all amendments be related to the text of homeland security. The Scowcroft Commission report deals with collection, analysis, and dissemination of intelligence. The Department of Homeland Security plays an important role in these matters, and the Office of the Under Secretary for Information, Analysis and Infrastructure Protection is funded in this bill. On page 74, it says it is responsible for collecting and disseminating terrorist threat information, fusing and integrating data with foreign intelligence to produce a comprehensive picture of threat, and developing and implementing an action plan to mitigate terrorist threats and national vulnerabilities. The Scowcroft report addresses issues that would have a substantial impact on the way this office and all intelligence officials at the Department of Homeland Security conduct their work, and the quality of intelligence to a large extent determines whether the Department of Homeland Security is able to perform its mission and protect the public from future terrorists.

On page 29 of the bill, \$157 million is provided for intelligence functions in the Office of Director of Information, Analysis and Infrastructure in the Department of Homeland Security.

Then section 504 of the bill specifically provides funds made available by this act for intelligence activities are determined to be specifically authorized by the Congress.

This is legislative language authorizing the operation of a portion of the intelligence community.

I want to say to the Senator that we thought long and hard about the appro-

priateness of this amendment. Reading through the legislation itself, it appeared these matters were directly in line with a number of at least some portions of the Scowcroft Commission report. Particularly since we have such a sense of urgency in ensuring that we are going to try to get it right with the recommendations of the 9/11 Commission and the Scowcroft report, given the fact, as I mentioned earlier, that Secretary Rumsfeld, Chairman WARNER, Chairman ROBERTS all indicated they thought it would be of use and value, it seemed to me this could be something we can all get behind and support.

I thank the Chair.

Mr. COCHRAN. Mr. President, I thank the Senator for his further comments to the Senate.

I also at this time would like to propose a unanimous consent request which I understand has been cleared on both sides of the aisle. The distinguished leader from Nevada is here on the floor.

I ask unanimous consent that immediately following the vote in relation to the Schumer amendment this evening, the Senate proceed to a vote in relation to the Lautenberg amendment No. 3617; provided further that no amendment be in order to the amendment prior to the vote. Finally, I ask unanimous consent that there be 2 minutes equally divided for debate prior to each vote.

Mr. REID. Reserving the right to object, it is my understanding the first vote will occur at 5:30 or 5:15.

The PRESIDING OFFICER. At 5:30.

Mr. REID. And it is my further understanding there has been consent entered that Senator SCHUMER could modify his amendment; is that true?

The PRESIDING OFFICER. The Senator may modify his amendment.

AMENDMENT NO. 3615, AS MODIFIED

Mr. REID. That modification is at the desk and I ask it be brought forward in compliance with the unanimous consent request made by the Senator from Mississippi.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 3615), as modified, is as follows:

On page 13, between lines 18 and 19, insert the following:

#### GROUND TRANSPORTATION

For necessary expenses of the Transportation Security Administration to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses, \$70,000,000.

On page 2, line 17, strike \$245,579,000 and insert "\$175,579,000".

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

Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, thank you.

(The remarks of Mr. CONRAD pertaining to the submission of S. Con.

Res. 136 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I have been here with Senator BYRD and Senator COCHRAN trying to move this most important bill along. We learned over the weekend that developments had occurred and that we would not even ask for a filing deadline for tonight. That was the original plan. Senators who wished to offer amendments would have had to file, say, at 5 o'clock tonight. That being the case, we would have probably had maybe a dozen amendments, and we could finish those tomorrow. It may have taken a while, but we could have finished them with a good hard day's work tomorrow.

We have been told now we have another supplemental for Florida coming along, and some people on the majority side want to include that in this bill. I think that is a real mistake. I want to do everything that I can to help the people of Florida; they have been through a lot. That has not ended yet, as you know, with Hurricane Ivan approaching, which may hit Florida again.

We can finish this Homeland Security appropriations bill. I think that would be a real important thing to do before we leave for the Jewish holiday. I think if we try to include the supplemental appropriations bill as part of this, it is going to make it difficult, if not impossible, to finish because we have been told by Senator NELSON of Florida and by other Senators who are interested in what is going on in the farm country around the United States that on the next bill that comes, there is going to be an amendment on that, and there will be significant amendments that will require debate and a lot of money.

I am not a visionary, by any means, but having been on the Senate floor a lot, I believe it will be difficult, if not impossible, to finish the bill—certainly not tomorrow night. It will spill over into Wednesday. We will not finish by 11 o'clock, or whatever time the leader wants to finish to allow people to go west for the holiday.

So I ask respectfully that the majority take another look at this, and let's have a filing deadline quickly and finish this bill tomorrow. I know the majority wants to get as much work done as possible, and I respect that. We have been really good on these bills. We have been sticking to what we believe is the important work of the country, this Homeland Security bill. We en-

tered into an agreement that we would only offer related amendments, and we stuck by that. We have so little time to do so much.

I think if we went ahead and did this emergency supplemental, it would be much easier to do that as a standalone vehicle, not tie it into this because it will wind up hurting both vehicles. That is a real mistake. I am willing to work with the body to determine what is best for the country, but I suggest it is not going to be a different country to have this Homeland Security appropriations bill not completed.

Senators COCHRAN and BYRD are two of the most experienced and wise people we have in the entire Senate. I think it complicates their job significantly to try to change the context of this bill from a homeland security bill to one that deals with a hurricane that occurred in Florida, and another hurricane that occurred in Florida, and maybe another one that will occur in Florida. I don't think the two matters are related. Again, I respectfully suggest that the majority take another look at this and see what we can do to separate the issues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 3615, AS FURTHER MODIFIED

Mr. SCHUMER. Mr. President, I ask unanimous consent that the amendment I have at the desk be modified by language that is at the desk.

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

The amendment, as further modified, is as follows:

On page 13, between lines 18 and 19, insert the following:

#### GROUND TRANSPORTATION

For necessary expenses of the Transportation Security Administration to support efforts for identification and tracking for shipments of hazardous materials and continue and expand upon the background check system for commercial driver licenses with a HAZMAT endorsement, \$70,000,000: *Provided*, That the amount appropriated under title I for the Human Resources Account of the Office of the Under Secretary for Management shall be reduced by \$70,000,000.

Mr. SCHUMER. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, at 5:30, we are going to be voting in the Senate on a motion to table the Schumer amendment. The Senator described his

amendment recently and talked about the fact that the Department of Homeland Security has not done anything, essentially, to protect against the explosives or other dangers occurring when trucks with hazardous material are driven throughout the country, and that an additional \$70 million, I think, is the total amount of new money to be added to this bill for this purpose.

It is described in the Senator's amendment as a tracking system for hazardous material trucks, hazmat trucks, and a background check system for commercial drivers' licenses.

I am suggesting to the Senate that this is an additional \$70 million that cannot be efficiently used for this purpose in 1 fiscal year, and I am going to tell you why.

The Appropriations Committee has already provided funding for a number of different programs designed to accomplish the goals that the Senator has described in his comments about and his description of his amendment when he previously offered it.

Last year, in fiscal year 2004, Congress appropriated \$9.4 million for an effort to develop a high-explosive countermeasure system in the Science and Technology Directorate. Research is being undertaken and a program that will follow on is funded at \$33.590 million to provide technologies and programs that would interdict explosive attacks against buildings from all modes of transportation, including trucking. It is also designed to protect critical infrastructure and the Nation's civilian population. This is an increase of \$23.89 million from the budget request submitted by the administration.

We have tried to communicate with the Transportation Security Administration and other agencies of the Department of Homeland Security to see what funds could be utilized to help make this the most sophisticated and effective system available to the American public in protecting buildings, protecting civilian populations, protecting the trucking systems and the infrastructure of our country against problems of vehicle bombs, problems of hazardous materials being confiscated and converted into explosives to damage infrastructure: highways, tunnels, bridges, buildings, and the like.

So the Homeland Security Advanced Research Project Agency is issuing a broad agency announcement for systems for vehicle bomb detection using optical and nuclear thermal neutron analysis. The Science and Technology Directorate is piloting several sites using different means for detecting vehicle bombs at checkpoints. There are other initiatives to deny terrorists the use of commercial explosives and materials for making such bombs.

So across the board, what I am saying, there is a broad indepth, comprehensive effort underway and using a variety of technologies and programs that seek to achieve, and will achieve, the goal suggested by the Senator from New York.



We do not need to adopt this amendment to accomplish the goal he talks about that we need to pursue. We are doing what the Senator has suggested should be done.

There is a Hazardous Material Shipper Training Program in place for drivers and others who are involved as employees in that industry, providing information about security requirements and responsibilities of those engaged in the trucking industry. It is promoting security awareness for each mode of transportation, not just truckers but other shippers as well.

Funds have been provided in the 2004 appropriations bill to test certain technologies, new technologies to track high-risk trucks on the Nation's highways. The Senator said there is no program such as that in place. Programs are being tested to be implemented. We want to be sure the Transportation Security Administration has the ability to track vehicles throughout the entire country, in Alaska and Hawaii as well, to identify the best practices and the standards and regulations that ought to be implemented and enforced by Federal, State, local, and industry stakeholders as well.

Congress has provided over \$42 million for the Highway Watch Program to promote security awareness among all segments of the commercial motor carrier industry and the transportation community at large. For this fiscal year, in this bill that is before the Senate, \$15 million is provided for this program.

For the previous 2 fiscal years, \$12 million has been provided for the Transportation Security Administration and the Federal Motor Carrier Safety Administration to test and evaluate a variety of technologies, such as global positioning systems, wireless communications, use of global positioning satellites, alarm systems, biometric identification, and radio frequency identification devices to ensure that dangerous or potentially dangerous vehicles are identified.

Field testing has just been completed, and the evaluation phase in this program has begun. These are steps toward the goal that we all share, and that is identified by the Senator from New York as a very imminent and urgent need. It is an urgent need, and we are treating it as such over the prior appropriations bill's approval and provisions, as well as this year's appropriations bill.

There was a mandate in the PATRIOT Act that the Transportation Security Administration has implemented, in partnership with the departments in the State motor vehicle area, to ensure that all drivers who are licensed to transport hazardous materials are subjected to Federal background checks to be sure the people who are operating these vehicles ought to be operating them; that they are not high-risk people; that they do not have something in their background that raises alarms about their dependability.

The Transportation Security Administration has undertaken background checks on 2.7 million drivers who have hazardous materials endorsements on their commercial driver's licenses. These background checks have identified approximately 36 individuals who are no longer allowed to transport hazardous materials. TSA will complete this background check, and when it is completed they will have conducted name-based background checks on all 3.5 million drivers this year. There will be an FBI fingerprint-based criminal history check undertaken as well.

The offset would affect the Office of Under Secretary of Management's Human Resources Division.

In terms of research, what I am suggesting is that every effort possible is being made, through grants provided by the Department of Homeland Security, technology development, and deployment in the department, to develop a more efficient system for identifying drivers to be sure they are trustworthy and are not threats to the Nation's security through the operation of vehicles carrying hazardous materials, the confiscation of vehicles that are carrying hazardous materials or that could be converted into bombmaking vehicles. All of this is being done in an aggressive and comprehensive way by the Department of Homeland Security, in cooperation with State and local authorities throughout the country.

Private sector groups, shippers who are undertaking to safeguard the content of packages that go into vehicles, are also very actively involved in helping ensure that the public is not going to be put in danger through the use of our transportation system in this way.

We think the provisions of the bill are adequate. To provide funding that the Senator is suggesting is needed will be wasteful and cannot be efficiently used for the purposes he seeks. The goals are notable and laudable. We share them and we are doing everything we can to ensure that we have in place the programs, training, research, and technologies that we need to protect ourselves from these kinds of attacks and attacks against the Nation's critical infrastructure and population centers.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague from Mississippi for his graciousness in allowing this amendment to be modified. I agree with him that we have the same goals, but our analysis of how well we are progressing toward those goals is woefully inadequate.

I want to make clear what the amendment seeks to do because there have been some concerns raised by the American Trucking Association and some truck firms. To address those concerns, which I did not think were real, I modified the amendment to make that clear. Here is what the amendment does not do: It does not re-

quire that members of the trucking industry purchase GPS systems for their truck fleets. It does not require trucking companies to present plans to TSA of current truck routes throughout the country.

My amendment simply provides the TSA with the resources to begin looking into how we go about monitoring what has been shown to us as a vulnerability within our existing plan to secure our country from terrorist threats. I know the ATA, which has resisted any regulation of the trucking industry, has raised some concerns, but their concerns are either incorrect or shortsighted.

My amendment provides the TSA with flexibility and much needed funds to address truck security and has none of the mandates or high costs that have been talked about. Both the TSA and DOT, I will agree with my friend from Mississippi, are currently working on improving and expanding truck-tracking systems and background checks for commercial driver's licenses with the HAZMAT endorsement. But let me suggest something. Here is the plan. First, they were doing nothing, and a year, a year and a half ago, I prodded and prodded. So now the plan is that any new application for a HAZMAT license will be checked out, a background check will be given. The problem is, all existing licenses will not be checked until they are renewed.

Since most States have 5-year renewal periods, we are not going to check many of these licenses until 2007, 2008, 2009, even 2010.

When one asks the TSA why they are not doing it more quickly, they say one word: Money. We do not have the money.

It is hardly believable that \$10 million here or \$9.4 million there, which is spread across a whole lot of programs and research, will be enough. So the bottom line is, we agree that we have to do this, but I would rather err on the side of making sure we get it done quickly, given that the terrorists have said—at least with al-Qaida—that truck bombs are a preferred weapon. Every one of us knows what has happened. We have not provided the money we need in homeland security, whether it is truck security or anything else. We slow-walk these programs.

To say that somebody could have a hazardous material license and be on a terrorist watch list and we will not catch up to them until 2010 makes no sense. When TSA says they have not done this or not done it quickly because they do not have the money, what we do is provide them the money. There is an offset, an offset from a pot of money that simply says let us outsource some structural personnel reorganizing.

It amazes me that we could spend \$70 million for that but only \$15 million for the whole program of truck security.

As for the GPS system, it is needed. We do not mandate it because we, like our friend from Mississippi, are not

sure exactly the best way to go. But we sure want TSA to come up with a plan quickly and figure out how to do it and not impose the costs on the trucking industry if need be.

Here in America, a lot of companies put in a GPS system on their own, not to deal with terrorism but to deal with stolen trucks.

I remind my colleagues that a truck carrying hazardous material is missing, gone, from Pennsauken, NJ, not far from my city, and we still do not know where it is. We do not know what has been done with it. In all likelihood, it was stolen for mercenary purposes. But can we afford the risk that the next truck is stolen for terrorist purposes?

Simply training with the ATA program, which trains truck drivers on safety in terms of terrorism, does not deal with the fact that a terrorist might wish to steal a truck, hijack a truck, use a truck. All the training programs of good drivers, legitimate drivers in the world will not deal with that, and that is why we believe these other steps are so needed.

The bottom line is this is not a whole lot of money. This is a serious threat. It is offset. There are no mandates. Again, I say to my colleagues, we do not wish to wake up one morning and say: What if—God forbid there was a terrible incident—we had done more and allocated the money needed?

I yield the floor.

The PRESIDING OFFICER. The hour of 5:30 having arrived, there will be 2 minutes equally divided.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. COCHRAN. Mr. President, I thought there were 2 minutes remaining.

The PRESIDING OFFICER. The Senator would have to withhold his motion to table.

Mr. REID. I ask unanimous consent that in spite of the motion by the Senator from Mississippi, there be 2 minutes equally divided on this amendment.

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

Mr. COCHRAN. Mr. President, the American Trucking Association has delivered a letter to me. It is signed by 34 organizations or industries that are concerned that the passage of the Schumer amendment would result in an enormous burden on our national economic recovery, that it would impose enormous costs on many industries, that it would force haulers to undertake expensive new activities that have not been approved or suggested by the Transportation Security Administration as necessary or as improvements to the security systems now in

place. This is a three-page letter. Rather than have it read into the RECORD, I ask unanimous consent the letter, dated September 13, addressed to me, be printed in the RECORD.

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

AMERICAN TRUCKING ASSOCIATIONS,  
Washington, DC, September 13, 2004.

Hon. THAD COCHRAN,  
U.S. Senate,  
Washington, DC.

DEAR MR. CHAIRMAN: We urge you to vote no on the Schumer Amendment to the Department of Homeland Security Appropriations for FY 2005.

The Schumer Amendment would (1) mandate background checks for drivers transporting hazardous materials; (2) require trucks transporting hazardous materials to be equipped with global positioning satellite (GPS) tracking devices; and (3) require written route plans to be prepared and filed with the Department prior to transporting hazardous materials. For the reasons set forth below, these initiatives are not necessary, will not ensure the secure transportation of hazardous materials, and will cause most trucking companies to embargo these vital commodities.

#### BACKGROUND CHECKS

Pursuant to the mandate contained in the USA PATRIOT Act, the Transportation Security Administration (TSA) has implemented a program to ensure that all drivers licensed to transport hazardous materials are subjected to a federal background check. To date, TSA has run background checks on the 2.7 million drivers that have hazardous materials endorsements to their commercial drivers' licenses. These background checks have identified approximately three dozen individuals who may no longer be able to transport hazardous materials. Background checks are continuing under this TSA program and this portion of the amendment mandating background checks is duplicative and not necessary.

#### HAZARDOUS MATERIALS ARE CRITICAL TO THE U.S. ECONOMY

There are more than 800,000 shipments of hazardous materials each day. Regulated hazardous materials include such items as pharmaceuticals, paint, hairspray, pesticides, airbags, cigarette lighters and other consumer commodities. In fact, the vast majority of hazardous materials transported do not pose a plausible risk of use in a terrorist attack. Nevertheless, the amendment would require transporters to equip literally hundreds of thousands of trucks with expensive tracking technology. The prenotification of route plans referenced by the Senator in his floor statement would frustrate the ability of hospitals to provide prompt or immediate medical treatments to their patients, hamper agricultural distributors' ability to provide farmers with the fertilizers and pesticides they depend upon and greatly increase the cost of many consumer commodities, such as home heating oil.

#### GLOBAL POSITIONING SATELLITE MANDATE

The pending amendment would require any truck carrying hazardous materials to be equipped with GPS technology that would enable the government to determine its location at all times. GPS systems, however, are easily defeated by cutting power to the transponder, otherwise disabling the transponder, shielding the transponder, parking the truck in an area that does not have "line of sight" to the satellite, offloading the cargo to another truck or simply decoupling the trailer and hooking it up to an alter-

native power unit leaving the original power unit with its transponder on the side of the road.

Moreover, GPS systems are expensive. Senator Schumer's estimate of \$200 for the cost of GPS is not accurate in the context of real-time 2-way communication GPS technology. The purchase and installation of "hardened" GPS transponders costs more than \$1,500 per vehicle. In addition, the annual communication costs may exceed \$1,000 per vehicle depending upon how often the truck is "pinged" by the satellite. Because hazardous materials comprise only a small percentage of the freight transported by the trucking industry, the trucking industry does not dedicate specific trucks to transport hazardous materials. As a result, the pending amendment would require the industry to equip virtually the entire fleet. Faced with these enormous costs most companies would simply refuse to haul hazardous materials, which could cripple the U.S. manufacturing industries and deal a severe blow to our economic recovery.

#### WRITTEN ROUTE PLAN REQUIREMENT

The pending amendment would require motor carriers to file written route plans with the government for purposes of route verification. This proposal could actually compromise security as a terrorist could exploit the carrier's or government's communication systems used to transmit route plans, which would provide the terrorist with a virtual shopping list of certain desirable hazardous materials.

This proposal would require the expenditure of enormous administrative resources necessary to devise, transmit and verify the route plans. Moreover, written route plans are not practicable to implement in many trucking operations. While written route plans may be implemented in a truckload environment where a carrier picks up a load of materials at one location and delivers it to its final destination, a significant amount of freight is moved in the less-than-truckload or package & delivery environment, where written route plans are not feasible because the freight may be transloaded several times before delivery. For these carriers, the costs associated with providing this service would far outweigh the revenue opportunities from such low volume freight. As a result, many of the safest and most responsible carriers will no longer carry hazardous materials. The removal of competitive forces from this segment of the hazardous materials transportation market will result in significant price increases in the cost of transporting this freight. Moreover, the administrative burden to the federal, state and local governments of real time tracking of several hundred thousand daily shipments is enormous. Finally, the transportation of radioactive materials and certain explosives are already subject to additional stringent safety and security requirements of the Department of Transportation.

#### FMCSA STUDY PENDING

#### (THE AMENDMENT IS PREMATURE)

In his floor statement introducing his amendment, Senator Schumer argued for the implementation of "global positioning satellite (GPS)" technology to track all truck shipments of hazardous materials. Respectfully, the Senator's proposal is premature and may frustrate the development of more effective and less costly alternatives.

It is important that the Senator be aware of a current research project, which began almost a year ago, under the auspices of the Department of Transportation's Federal Motor Carrier Safety Administration. That project, referred to as the "Field Operations Test" (FOT), involves the testing and evaluation of a variety of technologies including



GPS, wireless communications, global positioning satellites, "panic buttons and alarms", "geo-fencing", biometric identification and radio frequency identification devices.

The field testing has just been completed, and, the evaluation phase has already begun. Already, SAIC and Batelle have produced a multi-volume draft report which has been circulated (on a limited basis) to security specialists within both government and industry.

The Senate should pause until the evaluation and reports are complete, and final recommendations have been submitted to both the Department of Transportation and the Department of Homeland Security.

We urge you to defeat the Schumer amendment.

Respectfully submitted,

Agricultural Retailers Association  
American Chemistry Council  
American Farm Bureau Federation  
American Petroleum Institute  
American Pyrotechnics Association  
American Trucking Associations  
Chlorine Chemistry Council  
Commercial Vehicle Safety Alliance  
Compressed Gas Association  
Council on Safe Transportation of Hazardous Articles  
The Chlorine Institute  
Dangerous Goods Advisory Council  
The Fertilizer Institute  
Institute of Makers of Explosives  
Industrial Packaging Alliance of North America  
International Vessel Operators Hazardous Materials Association  
International Warehouse Logistics Association  
National Association of Chemical Distributors  
National Association of Convenience Stores  
National Association of Manufacturers  
National Association of Truck Stop Operators  
National Paint & Coatings Association  
National Private Truck Council  
National Propane Gas Association  
National Tank Truck Carriers  
Nuclear Energy Institute  
Petroleum Marketers Association of America  
Radiopharmaceuticals Shippers & Carriers Conference  
Reusable Industrial Packaging Association  
Steel Shipping Container Institute  
Society of Independent Gasoline Marketers of America  
Truckload Carriers Association  
U.S. Chamber of Commerce  
Utility Solid Waste Activities Group.

Mr. COCHRAN. Mr. President, I think the Senate has heard as much discussion as they probably need to form an opinion about this amendment. We urge Senators to vote yes on the motion to table and permit the committee to continue to work with the Department and industries that are involved to bring the best possible technologies into play to protect the security of our country and the transportation industries.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, let me make a couple of quick points.

First, the ATA letter says there are mandates. It was written before we modified the amendment. If there were any, there was no intention to have mandates, but now the amendment as

modified makes it clear, so I think their letter is outdated.

Of course, no industry wants any regulation. We are in a brave new world. The airline industry didn't want anything done after 9/11 unless the Federal Government paid for the whole thing. We are not outlining what ought to be done and what mandates should be, but we ought to move forward and find out how to make our trucks, particularly the trucks carrying hazardous materials, safer.

It is a small amount of money. It says take \$70 million out of a pot of money to outsource, to make TSA more efficient, and put it into truck security to do two things: First, to check on who can get a driver's license for hazardous materials, to avoid a situation like the one when hijackers were able to go fly planes, and, second, to study how to set up a GPS system so we can track trucks in case they are stolen.

I urge support of the amendment. I think we would be foolhardy not to do so.

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

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Rhode Island (Mr. REED) are necessarily absent.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Colorado (Mr. CAMPBELL), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Hampshire (Mr. GREGG), the Senator from Arizona (Mr. KYL), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK) would vote "yea."

The result was announced—yeas 55, nays 34, as follows:

[Rollcall Vote No. 173 Leg.]

#### YEAS—55

Alexander	Daschle	McCain
Allard	DeWine	McConnell
Allen	Dole	Miller
Baucus	Domenici	Murkowski
Bayh	Dorgan	Nelson (NE)
Bennett	Enzi	Nickles
Bond	Fitzgerald	Pryor
Breaux	Frist	Roberts
Bunning	Graham (SC)	Santorum
Burns	Grassley	Sessions
Carper	Hagel	Shelby
Chambliss	Harkin	Smith
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Conrad	Jeffords	Thomas
Cornyn	Lincoln	Warner
Craig	Lott	
Crapo	Lugar	

#### NAYS—34

Biden	Cantwell	Durbin
Bingaman	Clinton	Ensign
Boxer	Dayton	Feingold
Byrd	Dodd	Feinstein

Graham (FL)	Leahy	Sarbanes
Hollings	Levin	Schumer
Inouye	Lieberman	Snowe
Johnson	Mikulski	Specter
Kennedy	Murray	Stabenow
Kohl	Nelson (FL)	Wyden
Landrieu	Reid	
Lautenberg	Rockefeller	

#### NOT VOTING—11

Akaka	Corzine	Kyl
Brownback	Edwards	Reed
Campbell	Gregg	Voinovich
Chafee	Kerry	

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3617

The PRESIDING OFFICER (Mr. FITZGERALD). Under the previous order, there will now be 2 minutes of debate equally divided on the Lautenberg amendment.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this amendment is cosponsored by Senator CORZINE and me. The amendment simply adds \$100 million to ensure that the Coast Guard is going to have adequate funding for its nonhomeland security measures.

It is interesting; we fund Iraq's coast guard, and now the Iraqi Coastal Defense Force is receiving U.S. tax dollars for Chinese-built boats and crew training. If we can find money for Iraq's coast guard, then surely we can adequately fund our own Coast Guard. They perform services that are essential.

We need to add this funding because GAO found that the Coast Guard has to dip into its nonhomeland budget during times of elevated security alert. That means missions such as search and rescue, protecting our fisheries, ice-breaking operations, marine pollution, migrants, drug interdiction, and other law enforcement issues as well.

The amendment is still \$150 million less than the amount authorized in the Coast Guard bill signed into law just last month by the President. I urge my colleagues to look at their coastline and decide whether they ought to support the amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment offers to add a substantial amount of money to the operational budget of the U.S. Coast Guard. I remind Senators that the Coast Guard's total appropriation in this next fiscal year is \$705 million above last year's appropriation. It is about \$134 million above the President's request for overall U.S. Coast Guard activity. We urge the Senate to vote no against the Lautenberg amendment.

I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. LAUTENBERG. Mr. President, I move to waive the applicable sections of the Congressional Budget Act.

The PRESIDING OFFICER. Does the Senator seek the yeas and nays?

Mr. LAUTENBERG. Yes.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Colorado (Mr. CAMPBELL), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Hampshire (Mr. GREGG), the Senator from Arizona (Mr. KYL), the Senator from Ohio (Mr. VOINOVICH), and the Senator from Montana (Mr. BURNS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Rhode Island (Mr. REED) are necessarily absent.

The yeas and nays resulted—yeas 38, nays 50, as follows:

[Rollcall Vote No. 174 Leg.]

#### YEAS—38

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

#### NAYS—50

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Dorgan	Nelson (NE)
Bayh	Ensign	Nickles
Bennett	Enzi	Roberts
Bingaman	Fitzgerald	Santorum
Bond	Frist	Sessions
Bunning	Graham (SC)	Shelby
Carper	Grassley	Smith
Chambliss	Hagel	Snowe
Cochran	Hatch	Specter
Coleman	Hutchison	Stevens
Conrad	Inhofe	Sununu
Cornyn	Lott	Talent
Craig	Lugar	Thomas
Crapo	McCain	Warner
DeWine	McConnell	

#### NOT VOTING—12

Akaka	Chafee	Kerry
Brownback	Corzine	Kyl
Burns	Edwards	Reed
Campbell	Gregg	Voinovich

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 3621

Mrs. MURRAY. Mr. President, I call up amendment No. 3621 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 3621.

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

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

The amendment is as follows:

(Purpose: To set aside an amount for a pilot project to test interoperable communications between the first Northern Border Air Wing, Bellingham, Washington, and local law enforcement personnel)

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

SEC. 515. Of the amount appropriated by title II for the Office of the Under Secretary for Border and Transportation Security under the heading "AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT", \$5,000,000 may be used for a pilot project to test interoperable communications between the first Northern Border Air Wing, Bellingham, Washington, and local law enforcement personnel.

Mrs. MURRAY. Mr. President, the amendment I just called up has been agreed to on both sides. It simply allows our northern Air Guard to be able to communicate with those on the ground and use available funds.

I have talked with the managers on both sides, and I believe the amendment is agreed to. I urge its adoption.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we reviewed the amendment offered by the Senator from Washington. We agree to support it, and we ask the Senate to adopt it.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3621) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we are at a point in the deliberations that I think we can be pleased with the progress we have made so far last week as well as today. We hope to be able to push ahead and complete action on this bill tomorrow evening. That is the expectation of the leadership. But I know we have a number of amendments that Senators are preparing to offer tomorrow. There are also four amendments that we have had discussion on which have not yet been disposed of. But in view of the fact we have made such good progress and there are other activities that are important to Senators off the floor at this point in the

evening, it is my hope that we will go into morning business and let the leadership decide how long that will be.

I thank my friend from Nevada, who has been very helpful in handling the bill on the floor, along with our other leaders on our side of the aisle as well, particularly Senator FRIST, the majority leader.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have tonight a couple of amendments, maybe even three, that people could offer. I talked with Senator DAYTON, and he said he wants to offer one which will take 5 minutes. It is up to the manager whether he wants to do that tonight or tomorrow. We also have two Feingold amendments that should be accepted, we understand, and a Levin amendment. It is up to the manager.

Mr. COCHRAN. Mr. President, we are happy to stay here as long as there is business to be transacted.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to my friend, since I last spoke on the Senate floor about how we should proceed on this bill, or made suggestions, I have learned that the House leadership has said they are going to spend all week looking at the next supplemental dealing with Florida.

Whether that is the case or not, I do not know. All I know is that is what they have said. I again ask the majority to take a close look at what we are doing. Let us finish Homeland Security appropriations and worry about Florida—and I realize it takes a lot of worrying because they have had calamities that are untoward in our history, but let us get rid of this Homeland Security bill. I say that in a positive sense.

We have made good progress. I think the amendments have been listed. We can get rid of these, and again I hate to use a term like that—we can dispose of these amendments. We can adopt and accept some of them. I think we could do it even maybe tomorrow evening. But if we are going to complicate this matter with the supplemental appropriations, it is going to make things real tough to finish this bill.

I am here only to serve the body and do whatever I can to move things along. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 3629

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 3629.

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

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

The amendment is as follows:

(Purpose: To ensure the continuation of benefits for certain individuals providing security services for Federal buildings)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Amounts appropriated under this Act for expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service shall not be made available unless the Service implements procedures to ensure that, with respect to contracts (including subcontracts) entered into on or after May 30, 2004 with private security firms to provide protective services for federally owned or leased buildings, the terms of such contracts are not modified in a manner that results in a change in benefits for the employees involved unless the employees involved consent to such changes.

Mr. DAYTON. I thank the manager of this bill for the opportunity to present my amendment tonight.

Unfortunately, this amendment is unfortunately necessary to protect the security of the men and women who protect our security day and night in States such as Minnesota. As my colleagues will recall, when the Department of Homeland Security was created in 2002, the Congress granted the Secretary of the new Department of Homeland Security the unprecedented power to override longstanding employee contracts. He or she was given the power to hire, fire, promote, demote, or do anything to the employees of that new agency.

Some of us opposed that unprecedented, unwarranted, and unnecessary power. A couple of my colleagues were vilified, demonized, and defeated for opposing that unilateral power. The majority in this body, at the insistence of the Bush administration, voted for it. Well, they got it.

So of the security guards in the Federal building where I have my office in Minnesota and elsewhere, I am told a private contractor took over their contract this July, and without consultation, without negotiation, or without consent altered their health benefit payments. It saves this big company taxes.

Of course, they could underbid the existing contractor and take that out of the benefits of those security guards in Minnesota to the detriment of them and their families.

The result has been that since July 1, 15 to 20 percent of that local guard force has had to quit, look for a new job, or take a second job. Others have not been able to meet their house and car payments. They are having a harder time concentrating on work, their work being to protect the people who work in my office, my constituents.

One guard had a heart problem and had to be taken from work to the hospital in an ambulance because of the stress that was imposed. He received medical services that now, as a result of this contract change, he does not have the money to pay for.

It takes 70 to 80 hours to train a new security guard. For a full-timer, that is about 10 full-time days. For part-timers, that can take up to a month de-

pending on their part-time schedule. So this is not saving the taxpayers money. This is saving the private contractor money. It is providing greater profits for that company at the expense of the health and economic security of the people who are providing that security day and night in Minnesota and other States because their protections were stripped out and eliminated when this new Department of Homeland Security was created.

I say, respectfully, to the chairman of the Appropriations Committee, as well as to the chairman of the subcommittee and the distinguished ranking member, I know they have expressed in the past their reluctance to adopt policy changes in appropriations measures, but the health, security and protections of the people in Minnesota, unfortunately, cannot wait for some other measure to come forward. So I believe it is essential that I bring forward this amendment, and I ask my colleagues to consider it.

It very simply says—and I would be quite happy to go back further in time, but for the sake of this particular situation and others like it—for contracts that have been taken over through low-ball bidding since May 30, 2004, alterations in health protection and health coverage have to be negotiated with the employees or with their bargaining unit. To me, this is the minimal measure of protection that should be granted to every employee in the Federal Government, in this agency, or any other.

At 5:25 p.m., I received stated objections from someone at the Federal Protective Service purporting to represent the official response of the Department of Homeland Security. Once again, the existing Federal agency at the last minute has objections to the legislation that could have been presented to me today, last week, whenever. My staff has been in discussion with the majority and the minority staff on the committee for the last few days. Less than 2 hours ago, to receive from the agency involved their stated objections that they will use, I assume to try to defeat this amendment, I find to be offensive.

They, once again, presume that because they have this authorizing legislation that grants the Secretary unilateral, complete, absolute power to make these changes in people's contracts that affect their lives, that affect their families, they do not even need to bother to respond to proposed legislation, which is exactly the reason this should not have been passed to begin with; exactly the reason employees should have due process; exactly the reason this ought to be in contract bargaining procedures so that those changes that are going to be made have to go through a negotiation or discussion with the elected representatives of those affected employees.

We have gone too far in creating this department and giving that unilateral authority to any single individual.

This is a step back in the proper direction that is not in any way going to affect the national security of this country. In fact, I take that back. It will only enhance the national security of this country, of the Federal employees in the Federal buildings such as in Minnesota and the citizens who go to those buildings to meet with their elected representatives because they will be better qualified, better trained, more capable people, including those who now hold those jobs, except for those who have been forced to leave those jobs. So there will be better national security at a lower cost to the taxpayer when the retraining and other ancillary costs are included.

The only one that will be adversely affected by this will be the private employer who is underbid and is trying to extract additional profits out of the economic security of those employees and the public security of those they protect.

I urge my colleagues to support this amendment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, I thank the Senator for his suggestion of this change. As I understand the amendment, it would limit the appropriation provided in this bill by restricting the opportunities for the Federal Protective Service to enter into certain contracts. It imposes conditions under which they can engage in contract activities for protective services at Federal building sites.

I am advised by the Federal Protective Service, which is under the Department of Homeland Security, that this is an amendment not supported by the administration. There are those who are involved in helping to safeguard the security of Federal buildings and other facilities. They have limited resources which they say would be significantly diverted from the primary mission of providing the professional, qualified, and capable security guard service according to contracts and the needs of individual locations. The restrictive language of the amendment is counterproductive to the progress the Federal Protective Service has made.

So the argument that I have to make and that I am happy to make is that this amendment should not be included in this legislation, and we would be forced to resist it. I will urge my colleagues to vote against it at the appropriate time.

The leadership has indicated, I think, either formally or informally, that there will be no further rollcall votes this evening, so this is an issue that would have to go over until tomorrow,

and we will be happy to discuss the details more fully tomorrow so that all Senators are aware of the impact this amendment would have on the Federal Protective Service and its ability to do its job.

Mr. President, I ask unanimous consent that this amendment be set aside so that other matters may be brought up.

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

Mr. COCHRAN. Mr. President, there is a matter I can bring to the attention of the Senate, a modification of an amendment that has already been adopted.

#### AMENDMENT NO. 3618, AS MODIFIED

On behalf of Senator BYRD and myself, I offer a modification to amendment No. 3618 which was adopted by voice vote on Friday, September 10, 2004.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 3618), as modified, is as follows:

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

“SEC. \_\_\_\_ (a) The total amount appropriated under the heading “CUSTOMS AND BORDER PROTECTION, SALARIES AND EXPENSES” is hereby increased by \$150,000,000. Of such total amount, as so increased, \$50,000,000 is provided for radiation detection devices, \$50,000,000 is provided for additional border inspectors, and \$50,000,000 is provided for additional border patrol agents.

“(b) The total amount appropriated under the heading “IMMIGRATION AND CUSTOMS ENFORCEMENT, SALARIES AND EXPENSES” is hereby increased by \$100,000,000. Of such total amount, as so increased, \$50,000,000 is provided for additional investigator personnel, and \$50,000,000 is provided for detention and removal bedspace and removal operations.

“(c) The total amount appropriated under the heading “OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, STATE AND LOCAL PROGRAMS” is hereby increased by \$128,000,000. The total amount provided in the aforementioned heading for discretionary grants is increased by \$128,000,000. Of that total amount as so increased, the amount for rail and transit security grants is increased by \$128,000,000.

“(d) The total amount appropriated under the heading “OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, EMERGENCY MANAGEMENT PERFORMANCE GRANTS” is hereby increased by \$36,000,000. Of such total amount, as so increased, \$36,000,000 is provided for emergency management performance grants.

“(e) Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 as amended by this bill, strike “June 1, 2005” and insert “September 30, 2005.”

#### AMENDMENTS NOS. 3585, 3602 AND 3620, EN BLOC

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. First of all, I move to set aside any pending amendment.

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

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed en bloc to the consideration of amendments Nos. 3585, 3602, and 3620, the first two offered by Senator FEINGOLD, the third by Senator LEVIN. It is my under-

standing they have been cleared on both sides.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. There is no objection to consideration of the amendments. They have been cleared on this side of the aisle.

The PRESIDING OFFICER. Without objection, the amendments are considered en bloc and agreed to en bloc.

The amendments were considered and agreed to en bloc, as follows:

#### AMENDMENT NO. 3585

(Purpose: To require the development of a transportation security plan, and for other purposes)

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

SEC. 515. (a) The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall—

(1) develop and maintain an integrated strategic transportation security plan; and

(2) base future budget requests on the plan.

(b) The integrated strategic transportation security plan shall—

(1) identify and evaluate the United States transportation assets that need to be protected;

(2) set risk-based priorities for defending the assets identified;

(3) select the most practical and cost-effective ways of defending the assets identified; and

(4) assign transportation security roles and missions to the relevant Federal, State, regional, and local authorities and to the private sector.

(c) The Secretary of Homeland Security shall submit the integrated strategic transportation security plan to Congress not later than February 1, 2005 and shall submit updated plans, including assessments of the progress made on implementation of the plan, on the first day of February each year thereafter. Any part of the plan that involves information that is properly classified under criteria established by Executive order shall be submitted to Congress separately in classified form.

#### AMENDMENT NO. 3602

(Purpose: To require the Secretary of Homeland Security to report to Congress on goods purchased by the Department of Homeland Security that were manufactured outside of the United States)

On page 3, between lines 13 and 14, insert the following:

SEC. 101. (a) Not later than 180 days after the end of fiscal year 2005, the Secretary of Homeland Security shall submit a report to Congress that describes the articles, materials, and supplies acquired by the Department of Homeland Security during fiscal year 2005 that were manufactured outside of the United States.

(b) The report submitted under subsection (a) shall separately indicate—

(1) the dollar value of each of the articles, materials, and supplies acquired by the Department of Homeland Security that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total funds spent by the Department of Homeland Security on goods manufactured within the United States compared with funds spent by the Department of Homeland Security on goods manufactured outside of the United States.

(c) The Secretary of Homeland Security shall make the report submitted under this

section publicly available to the maximum extent practicable.

#### AMENDMENT NO. 3620

(Purpose: To clarify the prohibition on contracting with foreign incorporated entities)

At the appropriate place, insert the following:

SEC. \_\_\_\_ Section 835 of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 395) is amended—

(1) in subsection (a), by inserting before the period “, or any subsidiary of such an entity”;

(2) in subsection (b)(1), by inserting “before, on, or” after the “completes”;

(3) in subsection (c)(1)(B), by striking “which is after the date of enactment of this Act and”;

(4) in subsection (d), by striking “home-land” and inserting “national”.

#### AMENDMENT NO. 3602

Mr. FEINGOLD. Mr. President, the amendment that I am offering today would require the Secretary of Homeland Security to submit to Congress a report on the amount of goods acquired by the Department during fiscal year 2005 that were made overseas.

I want to thank the chairman and the ranking member of the subcommittee for working with me to include this important provision in the bill.

My amendment would extend for another year with respect to the Department of Homeland Security a provision that was enacted as part of the fiscal year 2004 omnibus spending bill requiring all Federal departments and agencies to submit to Congress a report about goods that they purchase that are made outside of the United States. These reports will improve the disclosure of the amount of foreign-made goods purchased by the federal government.

My amendment, like current law, requires that this report include the following information: (a) the dollar value of any articles, materials, or supplies purchased that are manufactured outside of the United States; (b) an itemized list of all waivers of the Buy American Act granted with respect to such articles, materials, or supplies, and (c) a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

The amendment also requires that the report be made publicly available to the maximum extent practicable.

Prior to the enactment earlier this year of the Government-wide Buy American reporting requirement that I authored, only the Department of Defense was required to report annually on its use of waivers of domestic procurement laws. Last year, I introduced legislation to strengthen the Buy American Act of 1933, the statute that governs procurement by the Federal Government. The name of the Act accurately and succinctly describes its purpose: to ensure that the Federal Government supports domestic companies and domestic workers by buying

American-made goods. One part of my bill would require that all Federal departments and agencies submit annual reports on their purchases. The amendment that I am offering today is based on that provision in my bill.

The Buy American Act requires that the Federal Government support domestic businesses and domestic workers by buying American-made goods. I am pleased to note that the underlying bill includes language that states that none of the funds appropriated to the Department of Homeland Security may be used in contravention of the applicable provisions of the Buy American Act.

It only makes sense that Federal departments and agencies be required to report to Congress on their compliance with Federal law and with congressional intent regarding this important matter.

The American people deserve to know how their tax dollars are being spent, and to what extent these dollars are being used to support foreign jobs. I look forward to reviewing the fiscal year 2004 versions of these reports, and I am pleased that the managers have worked with me to extend the requirement for the Department of Homeland Security for fiscal year 2005. I will continue my efforts to ensure that this simple reporting requirement is made permanent for all Federal departments and agencies.

Again, I thank the chairman and ranking member of the subcommittee for agreeing to accept my amendment, and I yield the floor.

AMENDMENT NO. 3620

#### CONTRACTS

Mr. ALLEN. Mr. President, I ask the Senator, does the amendment apply to any existing contract at the Department of Homeland Security?

Mr. LEVIN. No, the amendment would only apply to new contracts signed after the date of enactment.

Mr. ALLEN. I thank the Senator. Does that mean that the Senator's amendment will not prohibit any task order, change order or extension issued in connection with an existing contract awarded prior to the date of enactment?

Mr. LEVIN. The Senator is correct. The intent of the amendment is to only capture new contracts.

Mr. ALLEN. I thank the Senator. So this amendment will not impact task orders issued under the US VISIT contract awarded to Accenture and the Smart Border Alliance?

Mr. LEVIN. The Senator is correct, the amendment is not intended to impact that contract or any task orders issued under the US VISIT contract.

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

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

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum, unless the manager has more.

Mr. COCHRAN. Mr. President, I do not know of any other Senator who is

planning to speak or offer an amendment at this time, so I think it is appropriate to put in a quorum call, unless we go to morning business.

#### MORNING BUSINESS

Mr. REID. I ask unanimous consent we go now to morning business.

Mr. COCHRAN. We have no objection to going into morning business.

The PRESIDING OFFICER. Without objection, the Senate will now proceed to a period for morning business.

#### JOHN KERRY'S HEALTH CARE PLAN

Mr. KENNEDY. Mr. President, I would like to speak briefly on another matter. It came to my attention that the President, today, spoke in Muskegon, MI, about health care. The President derided JOHN KERRY's plan for reforming health care as a bureaucratic nightmare and contended it would cost \$1.5 trillion.

I want to mention for the record, when this President became President we were spending \$1.3 trillion on health care. Now we are spending \$1.8 trillion on health care. Do you hear me? That is a half a trillion dollars. That is a half-trillion-dollar increase that Americans are now spending on health care. What do we have to show for results? We have to show, as a result, that an average family would have to pay \$10,000 for a family policy for comprehensive health care.

The results will show we have had the greatest decline in coverage of insurance for American workers during the last 3 years in the history of our health insurance debate. Drug prices are skyrocketing right up through the roof. Ask any senior citizen about the cost increase in prescription drugs. At the same time, you will find some of the greatest profits in the history of the drug companies and the HMOs.

I suggest that the tactics of fear and smear no longer be used when it comes to health care debates. Let us get rid of fear and smear. The facts do not add up to the recommendations and the suggestions we heard this afternoon. We know health insurance coverage is a crisis in this country in terms of cost and the increased numbers of uninsured and that prices are going up through the roof. Yet this administration absolutely opposed any opportunity for negotiated prices in terms of prescription drugs in the Medicare legislation last year.

Distortion and misrepresentation is a great concern to me. We have seen this administration distort and misrepresent intelligence about getting us into Iraq. We have seen them distort and misrepresent intelligence when they talk about our economy. It has been true with regard to education and leaving 4.5 million children out of the No Child Left Behind Program.

As I have said at other times, when this Nation made a commitment that

we were going to cover Medicare, we covered all of our seniors. When we said we were going to cover voting rights, we covered all of our Americans who should have been eligible for voting rights. When we said we were going to cover all children in this country—and 4.5 million of them being left out and behind—I compared it to the fact that when President Kennedy said we were going to the Moon, Congress gave us half the money to get us up to \$150 million and not do anything else but get our astronauts to the Moon and not bring them home. Those are the facts.

That is why these representations and debate in terms of health care, in terms of education, in terms of our economy, and in terms of Iraq—this is an administration that has failed in terms of its responsibilities. It is misleading the American people on issue after issue. That is what this debate is about. We will have a chance to see its outcome on election day.

I yield the floor.

#### HONORING DR. CATHERINE SNELSON

Mr. REID. Mr. President, I today congratulate Dr. Catherine Snelson, assistant professor of geoscience at the University of Nevada, Las Vegas, for receiving the 2003 Presidential Early Career Award for Scientists and Engineers, PECASE.

This award is the highest honor bestowed by the U.S. Government on young scientists at the outset of their careers. In addition, Cathy has also received the Early Career Scientist and Engineer Award from the National Nuclear Security Administration's Office of Defense Programs.

I commend Dr. Snelson for her hard work and commitment to academic excellence in the public interest.

Dr. Snelson received her B.S. from California State University at Hayward in 1995, and her M.S. and her Ph.D. in geophysics from the University of Texas at El Paso. While completing these degrees, she performed fieldwork in the western United States, Ireland, and central Europe.

Since joining the faculty of UNLV as an assistant professor in January 2002, Dr. Snelson has continued to do important research that will protect the people of Nevada. Specifically she has identified areas that would be most affected by seismic events occurring in and around the Las Vegas Valley, and she has been involved in setting up motion recording stations to monitor earthquakes throughout the valley.

Please join me in congratulating Dr. Catherine Snelson for her academic excellence, and in wishing her well in her promising career as a geoscientist.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the