

and friends. This bill also calls for a location in the Capitol to be named in their memory and a commemorative plaque to be placed at that location.

Today I bow my head in memory of those who died at the World Trade Center and the Pentagon. I also pay respect to our first responders, volunteers, and average citizens who risked their lives to save others on that day.

Finally, I pay homage to the passengers and crew of flight 93 for taking on those who wished to harm our country and Nation's Capital. I believe it is appropriate at this time to acknowledge the actions of the passengers of flight 93 for showing such remarkable heroism and to commemorate them in the very walls that might have crumbled had they not made that ultimate sacrifice. We are forever indebted to them and should never forget their bravery or their sacrifice or that of their loved ones.

I hope my colleagues will join me in sponsoring this resolution. I have it at the desk and I am submitting it now. I hope on a broad bipartisan basis we are able to recognize those brave passengers and crew of flight 93 for what they did on that remarkable day.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3621. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

SA 3622. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 2709, to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, and for other purposes; which was referred to the Committee on Energy and Natural Resources.

SA 3623. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table.

SA 3624. Ms. MIKULSKI (for herself, Mrs. BOXER, Mrs. CLINTON, Mr. HARKIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. LEVIN, Mr. SARBANES, and Mr. SCHUMER) proposed an amendment to the bill H.R. 4567, *supra*.

SA 3625. Mr. NELSON, of Nebraska proposed an amendment to the bill H.R. 4567, *supra*.

SA 3626. Mr. KENNEDY proposed an amendment to the bill H.R. 4567, *supra*.

SA 3627. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4567, *supra*; which was ordered to lie on the table.

SA 3628. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 4567, *supra*; which was ordered to lie on the table.

SA 3629. Mr. DAYTON proposed an amendment to the bill H.R. 4567, *supra*.

#### TEXT OF AMENDMENTS

SA 3621. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Home-

land Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

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.

SA 3622. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 2709, to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, and for other purposes; which was referred to the Committee on Energy and Natural Resources; as follows:

At the end, add the following:

#### SEC. 6. BISCUIT FIRE RECOVERY PROJECT.

(a) JUDICIAL REVIEW.—The final environmental impact statement issued by the Forest Service and the Bureau of Land Management concerning the Biscuit Fire Recovery Project on the Rogue River-Siskiyou National Forest and the Grants Pass Resource Area (including the records of decision accompanying the final environmental impact statement) and any Federal action brought under the final environmental impact statement shall not be subject to judicial review by any court of the United States.

(b) TIMING.—Notwithstanding any other provision of law, including, but not limited to, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the activities authorized by the final environmental impact statement described in subsection (a) shall proceed immediately and to completion.

(c) EXEMPTION FROM APPLICABLE LAW.—The activities authorized by the final environmental impact statement described in subsection (a) shall not be subject to—

(1) the notice, comment, and appeal requirements of section 322 of Public Law No. 102-381 (16 U.S.C. 1612 note);

(2) administrative remedies under title 43, Code of Federal Regulations; or

(3) judicial review under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act").

(d) ATTORNEY'S COSTS, FEES, AND EXPENSES.—No costs, fees, or expenses of an attorney may be recovered in any civil action relating to the Biscuit Fire Recovery Project.

#### SEC. 7. KALMIOPSIS WILDERNESS ADDITION.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term "map" means the map dated September \_\_\_\_, 2004, and entitled "Proposed Kalmiopsis Wilderness Addition-Rogue River-Siskiyou National Forest".

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 64,000 acres of land in the Rogue River-Siskiyou National Forest in the State of Oregon, as generally depicted on the map, is—

(1) designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the "Kalmiopsis Wilderness Addition"; and

(2) incorporated into, and to be managed as part of, the Kalmiopsis Wilderness.

(c) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a boundary description of the Kalmiopsis Wilderness Addition; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives the map and boundary description.

(2) PUBLIC AVAILABILITY.—The map and boundary description shall be on file and available for public inspection in the office of the Chief of the Forest Service.

(3) FORCE OF LAW.—The map and boundary description shall have the same force and effect as if included in this Act, except that the Secretary may correct minor errors in the map and the boundary description.

(d) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights in existence on the date of enactment of this Act, the Secretary shall administer the Kalmiopsis Wilderness Addition in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act.

(2) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the Kalmiopsis Wilderness Addition, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

SA 3623. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 4, before the period at the end, insert the following: "Provided, further, That the budget for fiscal year 2006 that is submitted under section 1105(a) of title 31, United States Code, shall include an amount for the Coast Guard that is sufficient to fund delivery of a long-term maritime patrol aircraft capability that is consistent with the original procurement plan for the CN-235 aircraft beyond the three aircraft already funded in previous fiscal years".

SA 3624. Ms. MIKULSKI (for herself, Mrs. BOXER, Mrs. CLINTON, Mr. HARKIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. LEVIN, Mr. SARBANES, and Mr. SCHUMER) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

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.

SA 3625. Mr. NELSON of Nebraska proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

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*”.

**SA 3626.** Mr. KENNEDY proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

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.

**SA 3627.** Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

#### MARITIME TRANSPORTATION SECURITY FUNDING

For the purposes described in section 70121(b) of title 46, United States Code, an amount equal to the amounts credited to the Maritime Transportation Security Fund under section 70121(c) of that title, but not in excess of \$500,000,000: *Provided that* chapter 701 of title 46, United States Code, is amended by adding at the end the following:

#### “§ 70120. Security service fees

“(a) GENERAL AUTHORITY.—

“(1) IN GENERAL.—For fiscal years 2005 through 2008, the Secretary of Homeland Security shall impose a maritime security user fee on entities that benefit directly from a secure system of international maritime transportation to assist in the payment of the costs of providing international maritime security services for shipments of cargo and to provide to shippers the benefit of a secure system of international maritime trade. The Secretary shall impose the fee for each unit of measure of cargo imported into or exported from the United States on a vessel when entering or leaving the United States as follows:

Cargo Group	Unit of Measure	Fee
Container (non-HAZMAT).	TEU	\$20.00
Container (HAZMAT).	TEU	\$50.00

“(2) INTERNATIONAL TRANSSHIPMENT SECURITY FEE.—The Secretary shall impose an international maritime transshipment security user fee for providing security services for shipments of cargo entering the United States as part of an international transportation movement by water through Canadian or Mexican ports at the same rates as the fee imposed under paragraph (1). The fee authorized by this paragraph shall not be assessed or collected on transshipments from—

“(A) Canada after the date on which the Secretary determines that an agreement between the United States and Canada has entered into force that will provide equivalent security regimes and international maritime security user fees of the United States and Canada for transshipments between the countries; or

“(B) Mexico after the date on which the Secretary determines that an agreement between the United States and Mexico has entered into force that will provide equivalent security regimes and international maritime security user fees of the United States and Mexico for transshipments between the countries.

“(b) IMPOSITION OF FEES.—

“(1) IN GENERAL.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Secretary shall impose the fees under subsection (a) through the publication of notice of such fee in the Federal Register. A fee shall be imposed on each cargo shipment when imported into or exported from the United States on a vessel. No fee shall be assessed more than once per voyage.

“(2) MEANS OF COLLECTION.—The Secretary shall prescribe procedures to collect fees under this section. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

“(3) SUBSEQUENT MODIFICATION OF FEES.—After imposing a fee under subsection (a), the Secretary may modify, from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both. The Secretary shall evaluate the fee annually to determine whether it is necessary and appropriate to pay the cost of activities and services, and shall adjust the amount of the fee accordingly.

“(c) ADMINISTRATION OF FEES.—

“(1) FEES PAYABLE TO SECRETARY.—All fees imposed and amounts collected under this section are payable to the Secretary.

“(2) INFORMATION.—The Secretary may require the provision of such information as the Secretary decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

“(e) REFUNDS.—The Secretary may refund any fee paid by mistake or any amount paid in excess of that required.

#### “§ 70121. MARITIME TRANSPORTATION SECURITY FUND.

“(a) IN GENERAL.—There is established within the Department of Homeland Security a fund to be known as the Maritime Transportation Security Fund.

“(b) PURPOSE.—Amounts in the Fund shall be available to the Secretary to pay or reimburse the costs of implementation and compliance with the requirements of this chapter, including—

“(1) the maritime transportation security grant program authorized by section 70107(a);

“(2) the national maritime transportation security plan under section 70103(a) and the area maritime transportation security plans under section 70103(b);

“(3) implementation of the automatic identification systems required by section 70114;

“(4) the costs of developing standards and curricula for the training and certification of maritime security professionals and providing training and certification courses; and

“(5) reimbursement of port authorities, waterfront facility operators, and State, local, and regional authorities for the costs of addressing extraordinary or high priority Coast Guard identified vulnerabilities in security and ensuring compliance with the national

maritime transportation security plan and applicable area maritime transportation security plans.

“(c) FUNDING.—For each of fiscal years 2005, 2006, 2007, and 2008 there shall be credited to the Fund the sum of the amounts collected from the user fees imposed by the secretary under section 70120(a), to the extent that such sum does not exceed \$500,000,000 per fiscal year.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Fund for each fiscal years 2005, 2006, 2007, and 2008 not more than \$500,000,000. Any amounts appropriated pursuant to this section shall remain available until expended.”: *Provided further*, that the chapter analysis for chapter 701 of title 46, United States Code, is amended by adding at the end the following:

“70120. Security service fees

“70121. Maritime transportation security fund”.

**SA 3628.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

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*”.

**SA 3629.** Mr. DAYTON proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

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.

#### NOTICES OF HEARINGS/MEETINGS

##### COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 29, 2004, at 9:30 a.m. in room 216 of the Hart Senate Office Building to conduct a business meeting on pending committee matters, to be followed immediately by an oversight hearing on lobbying practices involving Indian tribes regarding allegation of misconduct associated with lobbying and related activities.