

SA 3652. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) proposed an amendment to the bill H.R. 4567, *supra*.

SA 3653. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 4567, *supra*.

SA 3654. Mr. JEFFORDS 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 3655. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 4567, *supra*.

SA 3656. Mr. SCHUMER (for himself, Mr. SARBANES, Mr. REED, Mrs. CLINTON, and Mr. KENNEDY) proposed an amendment to the bill H.R. 4567, *supra*.

SA 3657. Mr. COCHRAN (for Mr. DURBIN (for himself and Mr. AKAKA)) proposed an amendment to the bill H.R. 4567, *supra*.

SA 3658. Mr. COCHRAN (for Mr. DOMENICI) proposed an amendment to the bill H.R. 4567, *supra*.

SA 3659. Mr. COCHRAN (for Mr. TALENT) proposed an amendment to the bill H.R. 4567, *supra*.

TEXT OF AMENDMENTS

SA 3630. Mr. DODD (for himself, Mr. SPECTER, Mr. HARKIN, Mr. LEVIN, Mr. SARBANES, Mr. KENNEDY, Mr. DASCHLE, Mr. SCHUMER, Mrs. CLINTON, and Mr. REID) 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 21, between lines 20 and 21, insert the following:

FIRE DEPARTMENT STAFFING ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a), to remain available until September 30, 2006, \$100,000,000: *Provided*, That not to exceed 5 percent of this amount shall be available for program administration: *Provided, further*, That the amount appropriated by title I under the heading "OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT" is hereby reduced by \$70,000,000, the amount appropriated by title IV under the heading "INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION MANAGEMENT AND ADMINISTRATION" is hereby reduced by \$20,000,000, and the amount appropriated by title IV under the heading "SCIENCE AND TECHNOLOGY MANAGEMENT AND ADMINISTRATION" is hereby reduced by \$10,000,000.

SA 3631. Mrs. CLINTON (for herself, Mrs. FEINSTEIN, Mr. DODD, 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:

On page 19, line 21, insert " , which shall be allocated based on factors such as threat, vulnerability, population, population density, the presence of critical infrastructure, and other factors that the Secretary considers appropriate," after "grants".

SA 3632. Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. KENNEDY, and Mr. CORZINE) 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; as follows:

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

SEC. 515.

(a) It is the sense of the Senate that in allocating Urban Area Security Initiative funds to high-threat, high-density urban areas, the Secretary of Homeland Security should ensure that urban areas that face the greatest threat receive Urban Area Security Initiative resources commensurate with that threat.

(b) The amount appropriated to the Office of State and Local Government Coordination and Preparedness for the fiscal year ending September 30, 2005, for discretionary grants for use in high-threat, high-density urban areas under title III of this Act is increased by \$625,000,000.

SA 3633. Mr. REED 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; as follows:

On page 14, line 19, strike the period and insert the following: " *Provided further*, That not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives, a report on opportunities for integrating the process by which the Coast Guard issues letters of recommendation for proposed liquefied natural gas marine terminals, including the elements of such process relating to vessel transit, facility security assessment and facility security plans under the Maritime Transportation Security Act, and the process by which the Federal Energy Regulatory Commission issues permits for such terminals under the National Environmental Policy Act: *Provided further*, That the report shall include an examination of the advisability of requiring that activities of the Coast Guard relating to vessel transit, facility security assessment and facility security plans under the Maritime Transportation Security Act be completed for a proposed liquefied natural gas marine terminal before a final environmental impact statement for such terminal is published under the Federal Energy Regulatory Commission process."

SA 3634. Mrs. BOXER 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; as follows:

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

SEC. 515. Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the Secretary of Homeland Security shall provide to the Committee on Commerce, Science, and Transportation and the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate, a classified report on the number of individuals serving as Federal Air Marshals. Such report shall include the number of Federal Air Marshals who are women, minori-

ties, or employees of departments or agencies of the United States Government other than the Department of Homeland Security, the percentage of domestic and international flights that have a Federal Air Marshal aboard, and the rate at which individuals are leaving service as Federal Air Marshals.

SA 3635. Mr. FEINGOLD (for himself and Mr. LEAHY) 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; as follows:

At the appropriate place, insert the following:

SEC. . . DATA-MINING REPORT.

(a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term "data-mining" means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government;

(B) the search does not use a specific individual's personal identifiers to acquire information concerning that individual; and

(C) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist, criminal, or other law enforcement related activity.

(2) DATABASE.—The term "database" does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES.—

(1) REQUIREMENT FOR REPORT.—The head of each agency in the Department of Homeland Security or the privacy officer, if applicable, that is engaged in any activity to use or develop data-mining technology shall each submit a public report to Congress on all such activities of the agency under the jurisdiction of that official.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology, the plans for the use of such technology, the data that will be used, and the target dates for the deployment of the data-mining technology.

(B) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(C) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(D) Any necessary classified information in an annex that shall be available to the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be submitted not

later than 90 days after the end of fiscal year 2005.

SA 3636. Mr. BAUCUS (for himself, Mr. BURNS, Mr. CONRAD, Mr. ROBERTS, Mr. DORGAN, Mr. BROWNBACK, Mr. NELSON of Nebraska, Mr. HAGEL, Mr. COLEMAN, Mr. DAYTON, Mrs. CLINTON, Mrs. MURRAY, Ms. STABENOW, Mr. JOHNSON, Mr. DASCHLE, and Mr. LEVIN) 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; as follows:

At the appropriate place, insert the following:

TITLE _____—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. ____01. CROP DISASTER ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) ADDITIONAL COVERAGE.—The term “additional coverage” has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(2) INSURABLE COMMODITY.—The term “insurable commodity” means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(3) NONINSURABLE COMMODITY.—The term “noninsurable commodity” means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(b) EMERGENCY FINANCIAL ASSISTANCE.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture (referred to in this title as the “Secretary”) shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop or quality losses for the 2003 or 2004 crop (as elected by a producer), but not both, due to damaging weather or related condition, as determined by the Secretary.

(c) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(d) REDUCTION IN PAYMENTS.—The amount of assistance that a producer would otherwise receive for a qualifying crop or quality loss under this section shall be reduced by the amount of assistance that the producer receives under the crop loss assistance program announced by the Secretary on August 27, 2004.

(e) INELIGIBILITY FOR ASSISTANCE.—Except as provided in subsection (f), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses; and

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the appli-

cable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses.

(f) CONTRACT WAIVER.—The Secretary may waive subsection (e) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(1) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) providing additional coverage for the insurable commodity for each of the next 2 crops; and

(2) in the case of a noninsurable commodity, to file the required paperwork and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next 2 crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(g) EFFECT OF VIOLATION.—In the event of the violation of a contract under subsection (f) by a producer, the producer shall reimburse the Secretary for the full amount of the assistance provided to the producer under this section.

SEC. ____02. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2003 or 2004 losses (as elected by a producer), but not both, in a county that has received an emergency designation by the President or the Secretary after January 1, 2003, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(c) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock assistance program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

SEC. ____03. TREE ASSISTANCE PROGRAM.

The Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the tree assistance program established under subtitle C of title X of the Farm Security and Rural Investment Act of 2002 to producers who suffered tree losses during the winter of 2003 through 2004.

SEC. ____04. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

SEC. ____05. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971

(36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. ____06. EMERGENCY DESIGNATION.

Amounts appropriated or otherwise made available in this title are each designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1014).

SA 3637. Mr. DASCHLE 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 25, between lines 7 and 8, insert the following:

ASSISTANCE FOR PRAIRIE DOG OVERPOPULATION AND GRASSLAND REVEGETATION

For projects and activities of the Nebraska National Forest relating to the control of prairie dog overpopulation and development of a long-term strategy for control and revegetation of national grasslands, \$2,000,000, to be derived by transfer from the Vegetation and Watershed Management Account of the Forest Service and to be available without regard to any requirement for a statement or analysis: *Provided*, That the amount appropriated under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1014).

SA 3638. Mr. HATCH (for himself and Mr. LEAHY) 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; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds available in this Act shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department function, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

SA 3639. Mr. BINGAMAN (for himself and Mr. DOMENICI) 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. During fiscal year 2005 the Secretary of Homeland Security and the Secretary of Defense shall permit the New Mexico Army National Guard to continue performing vehicle and cargo inspection activities in support of the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement under the authority of the Secretary of Defense to support counterdrug activities of law enforcement agencies.

SA 3640. Mrs. BOXER 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; as follows:

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

SEC. 5. No funds appropriated or otherwise made available by this Act shall be used to pursue, implement, or enforce any law, procedure, guideline, rule, regulation, or other policy that exposes the identity of an air marshal to any party not designated by the Secretary of the Department of Homeland Security.

SA 3641. Mrs. BOXER (for herself, Mr. CARPER, and Mrs. CLINTON) 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 20, line 14, strike "rail" and insert "inter-city passenger rail transportation (as defined in section 24102(5) of title 49, United States Code), freight rail."

SA 3642. Mrs. BOXER (for herself and Mr. SCHUMER) 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; as follows:

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

SEC. 515. (a) The Secretary of Homeland Security, in coordination with the head of the Transportation Security Administration and the Under Secretary for Science and Technology, shall prepare a report on protecting commercial aircraft from the threat of man-portable air defense systems (referred to in this section as "MANPADS").

(b) The report required by subsection (a) shall include the following:

(1) An estimate of the number of organizations, including terrorist organizations, that have access to MANPADS and a description of the risk posed by each organization.

(2) A description of the programs carried out by the Secretary of Homeland Security to protect commercial aircraft from the threat posed by MANPADS.

(3) An assessment of the effectiveness and feasibility of the systems to protect commercial aircraft under consideration by the Under Secretary for Science and Technology for use in phase II of the counter-MANPADS development and demonstration program.

(4) A justification for the schedule of the implementation of phase II of the counter-MANPADS development and demonstration program.

(5) An assessment of the effectiveness of other technology that could be employed on commercial aircraft to address the threat posed by MANPADS, including such technology that is—

(A) either active or passive;

(B) employed by the Armed Forces; or

(C) being assessed or employed by other countries.

(6) An assessment of alternate technological approaches to address such threat, including ground-based systems.

(7) A discussion of issues related to any contractor liability associated with the installation or use of technology or systems on commercial aircraft to address such threat.

(8) A description of the strategies that the Secretary may employ to acquire any technology or systems selected for use on commercial aircraft at the conclusion of phase II of the counter-MANPADS development and demonstration program, including—

(A) a schedule for purchasing and installing such technology or systems on commercial aircraft; and

(B) a description of—

(i) the priority in which commercial aircraft will be equipped with such technology or systems;

(ii) any efforts to coordinate the schedules for installing such technology or system with private airlines;

(iii) any efforts to ensure that aircraft manufacturers integrate such technology or systems into new aircraft; and

(iv) the cost to operate and support such technology or systems on a commercial aircraft.

(9) A description of the plan to expedite the use of technology or systems on commercial aircraft to address the threat posed by MANPADS if intelligence or events indicate that the schedule for the use of such technology or systems, including the schedule for carrying out development and demonstration programs by the Secretary, should be expedited.

(10) A description of the efforts of the Secretary to survey and identify the areas at domestic and foreign airports where commercial aircraft are most vulnerable to attack by MANPADS.

(11) A description of the cooperation between the Secretary and the Administrator of the Federal Aviation Administration to certify the airworthiness and safety of technology and systems to protect commercial aircraft from the risk posed by MANPADS in an expeditious manner.

(c) The report required by subsection (a) shall be transmitted to Congress along with the budget for fiscal year 2006 submitted by the President pursuant to section 1105(a) of title 31, United States Code.

SA 3643. Mr. ROBERTS 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; as follows:

At the appropriate place, insert the following:

SEC. ____ . SENSE OF THE SENATE CONCERNING THE AMERICAN RED CROSS AND CRITICAL BIOMEDICAL SYSTEMS.

(a) FINDINGS.—The Senate finds that—

(1) the blood supply is a vital public health resource that must be readily available at all times, particularly in response to terrorist attacks and natural disasters;

(2) the provision of blood is an essential part of the critical infrastructure of the United States and must be protected from threats of terrorism;

(3) disruption of the blood supply or the compromising of its integrity could have wide-ranging implications on the ability of the United States to react in a crisis; and

(4) the need exists to ensure that blood collection facilities maintain adequate inventories to prepare for disasters at all times in all locations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Homeland Security's Information Analysis and Infrastructure Protection should consult with the American Red Cross to—

(1) identify critical assets and interdependencies;

(2) perform vulnerability assessments; and

(3) identify necessary resources to implement protective measures to ensure continuity of operations and security of information technology systems for blood and blood products.

SA 3644. Ms. MURKOWSKI (for herself, Mr. INOUE, and Mr. STEVENS) 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; as follows:

At the appropriate place, insert the following:

SEC. ____ . DISASTER ASSISTANCE EMPLOYEE CADRES OF EMERGENCY PREPAREDNESS AND RESPONSE DIRECTORATE.

(a) IN GENERAL.—The Secretary of Homeland Security is encouraged to place special emphasis on the recruitment of American Indians, Alaska Natives, and Native Hawaiians for positions within Disaster Assistance Employee cadres maintained by the Emergency Preparedness and Response Directorate.

(b) REPORT.—The Secretary of Homeland Security shall report periodically to the Senate and the House of Representatives with respect to—

(1) the representation of American Indians, Alaska Natives, and Native Hawaiians in the Disaster Assistance Employee cadres; and

(2) the efforts of the Secretary of Homeland Security to increase the representation of such individuals in the cadres.

SA 3645. Mrs. DOLE 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; as follows:

On page 6, line 2, strike the period and insert "": *Provided further*, That of the total amount provided, not less than \$4,750,000 may be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107-210; 116 Stat. 988 et seq.)."

On page 8, line 18, strike the period and insert "": *Provided further*, That of the total amount provided for, not less than \$4,750,000 shall be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107-210; 116 Stat. 988 et seq.)."

SA 3646. Mr. TALENT (for himself and Mr. BOND) 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; as follows:

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

SEC. 515. It is the sense of the Senate that—

(1) the Director of the Office for State and Local Government Coordination and Preparedness be given limited authority to approve requests from the senior official responsible for emergency preparedness and response in each State to reprogram funds appropriated for the State Homeland Security Grant Program of the Office for State and Local Government Coordination and Preparedness to address specific security requirements that are based on credible threat assessments, particularly threats that arise after the State has submitted an application describing its intended use of such grant funds;

(2) for each State, the amount of funds reprogrammed under this section should not exceed 10 percent of the total annual allocation for such State under the State Homeland Security Grant Program; and

(3) before reprogramming funds under this section, a State official described in paragraph (1) should consult with relevant local officials.

SA 3647. Ms. STABENOW (for herself, Mr. CRAIG, and Mr. LEVIN) 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; as follows:

On page 21, line 4, insert “*Provided further, That funds under this heading may be used to provide a reasonable stipend to part-time and volunteer first responders who are not otherwise compensated for travel to or participation in terrorism response courses approved by the Office for Domestic Preparedness, which stipend shall not be paid if such first responder is otherwise compensated by an employer for such time and shall not be considered compensation for purposes of rendering such first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.):*” after “Homeland Security:”.

SA 3648. 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; 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, may 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 3649. Mr. BYRD (for himself, Mr. LEVIN, Mr. BINGAMAN, and Mr. FEINGOLD) 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:

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration relating to aviation security services pursuant to the amendments made by the Aviation and Transportation Security Act (115 Stat. 597), \$70,000,000, to remain available until expended, for activities relating to screening passengers and carry-on baggage for explosives.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for “Operating Expenses,” \$20,000,000, for non-homeland security missions (as defined in section 888(a) of the Homeland Security Act of 2002 (6 U.S.C. 468(a))).

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Acquisition, Construction, and Improvements,” \$80,000,000, to remain available until September 30, 2009, for the Integrated Deepwater Systems program.

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

STATE AND LOCAL PROGRAMS

For additional amounts for “State and Local Programs,” \$225,000,000: *Provided, That of the amounts made available under this heading, \$100,000,000 shall be available for discretionary grants for use in high-threat, high-density urban areas as determined by the Secretary of Homeland Security, and \$125,000,000 shall be for port security grants.*

MASS TRANSIT AND RAIL SECURITY

For necessary expenses relating to mass transit, freight and passenger rail security grants, including security grants for the National Railroad Passenger Corporation, a backup communications facility for the Washington Area Metropolitan Transit Authority, security upgrades for various rail tunnels, research and development of rail security methods and technology, capital construction, and operating requirements, \$75,000,000.

SEC. ____ PROHIBITION ON ACQUISITION OF PETROLEUM PRODUCTS FOR STRATEGIC PETROLEUM RESERVE.

(a) **FUNDING PROHIBITION.**—None of the funds made available by this Act or any other Act may be used during fiscal year 2005 to acquire petroleum products for storage in the Strategic Petroleum Reserve.

(b) **AMOUNTS OF OIL CURRENTLY UNDER CONTRACT FOR DELIVERY.**—The Secretary of the Interior shall sell, in fiscal year 2005, any petroleum products under contract, as of the date of enactment of this Act, for delivery to the Strategic Petroleum Reserve in that fiscal year.

SA 3650. Mr. BAYH (for himself and Mr. LUGAR) 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 end, add the following:

SEC. ____ The total amount appropriated by title II for the Pre-Disaster Mitigation Fund under the heading “MITIGATION GRANTS” is hereby increased by \$10,654,000. Of such total amount, as so increased, \$10,654,000 is designated as an emergency requirement pursuant to section 402 of S. Con.

Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1014) and shall be available for the purchase of flood-damaged homes in northeastern Indiana.

SA 3651. Mrs. CLINTON (for herself 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:

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

SEC. 515. (a) Of any funds previously made available to the Federal Emergency Management Agency in response to the September 11, 2001, attacks in New York City, not less than \$4,450,000 shall be provided, subject to the request of the Governor of New York, to those mental health counseling service entities that have historically provided mental health counseling through Project Liberty to personnel of the New York City Police Department, the New York City Fire Department, and other emergency services agencies, to continue such counseling.

SA 3652. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) 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:

TITLE ____ EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. ____ CROP LOSSES.

In addition to amounts otherwise made available under this Act, there is appropriated \$560,000,000, to remain available until expended, for the Commodity Credit Corporation Fund for crop losses in excess of 25 percent of the expected production of a crop (including nursery stock, citrus, dairy, timber, vegetables, tropical fruit, clams and other shellfish, tropical fish, poultry, sugar, hay, equines, wildflower seed, sod, and honeybees and losses sustained by packing houses) in the State of Florida resulting from Hurricane Charley or Frances: *Provided, That any producer of crops and livestock in the State of Florida that has suffered at least 25 percent loss to a crop covered by this section, 25 percent loss to livestock, and damage to building structure in 2004, resulting from Hurricane Charley or Frances, shall be eligible for emergency crop loss assistance, emergency livestock feed assistance under the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471 et seq.), and loans and loan guarantees under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).*

SEC. ____ WATERSHED AND FLOOD PREVENTION OPERATIONS.

In addition to amounts otherwise made available under this Act, there is appropriated \$30,000,000, to remain available until expended, for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) and related watershed and flood prevention operations, an additional amount to repair damage to the waterways and watersheds in the State of Florida resulting from Hurricane Charley or Frances.

SEC. ____ . EMERGENCY CONSERVATION PROGRAM.

In addition to amounts otherwise made available under this Act, there is appropriated \$60,000,000, to remain available until expended, for the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), an additional amount to repair damage to farmland (including nurseries and structures) in the State of Florida resulting from Hurricane Charley or Frances.

SEC. ____ . AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT.

In addition to amounts otherwise made available under this Act, there is appropriated \$25,000,000, to remain available until expended, for the Agricultural Credit Insurance Fund program account for the cost of emergency insured loans for costs in the State of Florida resulting from Hurricane Charley or Frances.

SEC. ____ . EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

In addition to amounts otherwise made available under this Act, there is appropriated \$10,000,000, to remain available until expended, for emergency grants to assist low-income migrant and seasonal farmworkers under section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a): *Provided*, That the emergency services to be provided may include such types of assistance as the Secretary of Agriculture determines to be necessary and appropriate (including repair of existing farmworker housing and construction of new farmworker housing units, including housing that may be used by H-2A workers) to replace housing damaged as a result of Hurricane Charley or Frances.

SEC. ____ . RURAL HOUSING FOR DOMESTIC FARM LABOR.

In addition to amounts otherwise made available under this Act, there is appropriated \$10,000,000, to remain available until expended, for rural housing for domestic farm labor for the cost of repair and replacement of uninsured losses resulting from natural disasters such as Hurricanes Charley and Frances.

SEC. ____ . STATE AND PRIVATE FORESTRY.

In addition to amounts otherwise made available under this Act, there is appropriated \$5,000,000, to remain available until expended, of which \$2,500,000 shall be made available for urban and community forestry and of which \$2,500,000 shall be made available for wildland-urban interface fire suppression efforts resulting from fuel loading from damaged or destroyed tree stands in the State of Florida resulting from Hurricane Charley or Frances.

SEC. ____ . EMERGENCY DESIGNATION.

The amounts appropriated in this title are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1014).

SA 3653. Mr. REID 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; as follows:

On page 12, line 23, insert before the last period “: *Provided*, That not to exceed \$53,000,000 may be provided for transportation worker identification credentialing

and \$2,000,000 for tracking trucks carrying hazardous material”.

SA 3654. Mr. JEFFORDS 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:

In section 515 (a) insert “and the Committee on Environment and Public Works of the Senate” after “Governmental Affairs”.

SA 3655. Mr. SCHUMER 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; as follows:

On page 7, line 16, strike “\$2,413,438,000,” and insert the following: “\$2,763,438,000, of which \$200,000,000 shall be reserved for the International Civil Aviation Organization to establish biometric and document identification standards to measure multiple immutable physical characteristics, including fingerprints, eye retinas, and eye-to-eye width and for the Department of Homeland Security to place multiple biometric identifiers at each point of entry; of which \$50,000,000 shall be reserved for a program that requires the government of each country participating in the visa waiver program to certify that such country will comply with the biometric standards established by the International Civil Aviation Organization; of which \$25,000,000 shall be reserved for the entry and exit data systems of the Department of Homeland Security to accommodate traffic flow increases; of which \$50,000,000 shall be reserved to integrate the entry and exit data collection and analysis systems of the Department of Homeland Security, the Department of State, and the Department of Justice, including the Federal Bureau of Investigation; of which \$25,000,000 shall be reserved to establish a uniform translation and transliteration service for all ports of entry to identify the names of individuals entering and exiting the United States;”.

SA 3656. Mr. SCHUMER (for himself, Mr. SARBANES, Mr. REED, Mrs. CLINTON, and 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 20, line 7, strike “\$1,200,000,000” and insert “\$1,550,000,000”.

On page 20, line 13, strike “\$150,000,000” and insert “\$500,000,000”.

SA 3657. Mr. COCHRAN (for Mr. DURBIN (for himself and Mr. AKAKA)) 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. Sections 702 and 703 of the Homeland Security Act of 2002 (6 U.S.C. 342 and 343) are amended by striking “, or to another official of the Department, as the Secretary may direct” each place it appears.

SA 3658. Mr. COCHRAN (for Mr. DOMENICI) 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. ____ .

Section 208(a) of Public Law 108-137; 117 Stat. 1849 is amended by striking “current” and inserting “2005”.

SA 3659. Mr. COCHRAN (for Mr. TALENT) 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. ____ . LIAISON FOR DISASTER EMERGENCIES.

(a) DEPLOYMENT OF DISASTER LIAISON.—If requested by the Governor or the appropriate State agency of the affected State, the Secretary of Agriculture may deploy disaster liaisons to State and local Department of Agriculture Service Centers in a federally declared disaster area whenever Federal Emergency Management Agency Personnel are deployed in that area, to coordinate Department programs with the appropriate disaster agencies designated under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) QUALIFICATIONS.—A disaster liaison shall be selected from among Department employees who have experience providing emergency disaster relief in federally declared disaster areas.

(c) DUTIES.—A disaster liaison shall—

(1) serve as a liaison to State and Federal Emergency Services;

(2) be deployed to a federally declared disaster area to coordinate Department inter-agency programs in assistance to agricultural producers in the declared disaster area;

(3) facilitate the claims and applications of agricultural producers who are victims of the disaster that are forwarded to the Department by the appropriate State Department of Agriculture agency director; and

(4) coordinate with the Director of the State office of the appropriate Department agency to assist with the application for and distribution of economic assistance.

(d) DURATION OF DEPLOYMENT.—The deployment of a disaster liaison under subsection (a) may not exceed 30 days.

(e) DEFINITION.—In this section, the term “federally declared disaster area” means—

(1) an area covered by a Presidential declaration of major disaster, including a disaster caused by a wildfire, issued under section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); or

(2) determined to be a disaster area, including a disaster caused by a wildfire, by the Secretary under subpart A of part 1945 of title 7, Code of Federal Regulations.

AUTHORITY FOR COMMITTEES TO MEET**COMMITTEE ON FINANCE**

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 14, 2004, at 10 a.m., to hear testimony on “Implementing the Medicare Prescription Drug Benefit and