Richards. Many of us woke up this morning to read the newspaper and were stunned by the news that Governor Richards had passed away.

Many of us, of course, knew of her illness and that she struggled with it and fought it bravely, but I am not sure how many understood how close she was to death's door.

As a neighbor of hers who grew up right over the border from Texas, and as a young woman in the legislature, Ann Richards was at the top of the list of women I looked to early in my career. I did not have too many women to look to because there were just not that many women in public office in this country in 1976, the year when Governor Richards started her political career as Travis County Commissioner. There were 604 women in state legislatures nationwide. Not only was she an outstanding leader but she was an extraordinary administrator. I remember her days as State treasurer of Texas and followed many of her guidelines to leadership in trying to manage the budget of Texas. I followed that lead in trying to manage the budget of Louisiana. She showed that women could not only hold county commissioner seats, but high-level executive offices, managing finances and money. She become Governor of one of the largest States in America and served with extraordinary ability.

But more than just her service to the public at large, which was tremendous to the State of Texas and the country, Ann Richards encouraged women to think of things that had never been thought of before that women could to serve in corporate board rooms and as Governors and, hopefully, one day as President of the United States. And today, thanks to women like her, 1,686 women serve in state legislatures across the country. Without women such as Ann Richards, those dreams would never materialize or would be decades away.

There was a quote in the paper that I chuckled at because Governor Richards said once she didn't want to be remembered for keeping a clean house. She thought that women should be remembered for things greater than just how well they could vacuum how well they could cook or how well they could do things associated with the home.

While I do not in any way diminish the contribution that we make as wives and as mothers or diminish any of the things that we do inside of our homes that keep our families happy and keep our society going, I want to say emphatically that I agree with her. I hope women who are born and grow up today really think about what they want their tombstone to say.

Ann was always that kind of woman. She was born not only to be all a woman could be, but all a person could be, all a leader could be. Very few women in the generations that I am familiar with have accomplished that as well as she did. It is with great sadness that we recognize her passing, and I am sure there will be a more formal recognition in the Senate Chamber among men and women remembering the contributions this extraordinary American made to our country, to the world, to women and girls everywhere.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4954, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Pending:

Schumer modified amendment No. 4930 to improve maritime container security by ensuring that foreign ports participating in the Container Security Initiative scan all containers shipped to the United States for nuclear and radiological weapons before loading.

Murray (for Stabenow) amendment No. 4967 to authorize grants for interoperable communications.

Nelson (NE) modified amendment No. 4945 to provide emergency agricultural disaster assistance.

DeMint amendment No. 4970 to prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes.

Clinton/Dole amendment No. 4957 to facilitate nationwide availability of 2–1–1 telephone service for information on and referral to human services, including volunteer opportunities related to human services.

Clinton amendment No. 4943 to fund additional research to improve the detection of explosive materials at airport security checkpoints.

Clinton/Schumer amendment No. 4958 to establish a grant program for individuals still suffering health effects as a result of the September 11, 2001, attacks in New York City.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate equally divided in the usual form.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Delaware.

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

Mr. CARPER. I thank my colleagues for yielding.

Mr. President, earlier this week we all commemorated the fifth anniversary of 9/11. Much of that day was spent here and around the country discussing whether after 5 years we are safer and whether we are safe enough. While we have made real progress with respect to the security of our nuclear powerplants, with respect to airport security, far too little has been done to secure our Nation's seaports, railways, transit systems and, I might add, hundreds of chemical plants around this country.

After 9/11 we also recognized the need to protect our seaports. In 2002 we passed the Maritime Transportation Security Act, which was the start of developing a national and regional maritime security plan or plans. This legislation also required the Department of Homeland Security to help ports develop individual security plans and directed Customs and Border Protection to design a system for receiving information on ships' cargoes before they docked at a U.S. port.

Now, 4 years later, we are finally taking the next step. Still, port security has never received the same level of attention as airport security, and part of this is because 9/11 tragically exposed the vulnerabilities of our ports and it has been burned into our memories. I think it is also because most Americans do not have any direct interaction with a seaport on a daily basis, a weekly basis, a monthly basis or, in some cases, ever. However, a growing number of Americans have begun to recognize what an appealing target our seaports can be for terrorists.

First of all, many ports, including the ones we have in my State and the States of New Hampshire, Maine, and Washington, are located in or near densely populated urban areas. Also, ports are vital to the economy of our country. They are used by farmers to try to get their products to market and also industry to export products, but also we import everything from chemicals to oil and gas. As a result, many of us have concluded we must place a higher priority on addressing any vulnerability at our ports before any terrorist attack takes advantage of them. I applaud the work of Senator COLLINS and the great work Senator LIEBERMAN has done with her helping to craft this, and also the staffs and Senator MURRAY and her staff.

The American Association of Port Authorities believes that to do so will require roughly $400 million a year for physical enhancements for ports in this country. The bill before us would authorize Congress to do just that.

Now, $400 million is a lot of money, but it is significantly cheaper, I think we will agree, than responding to a devastating attack after the fact. My port, the Port of Wilmington, has received about $2 million since 9/11. The State has provided a fair amount of money, as has our port authority. These funds have been used, in part, to

help build a gated entrance with cameras, with security checks, and to fence and light the port's perimeter.

While we are grateful to receive Federal support for these important security measures, our port, like many others, will require additional assistance. Some of that we should provide ourselves within our State. For some of that we look to the Federal Government for help. Obviously there is not enough funding for everyone to get everything they need. However, ports in Oklahoma, ports in Kansas, ports in Tennessee and Kentucky have all received port security grants over the years, as have ports along the eastern and western gulf coast. At the same time, the Port of Wilmington—I am told it is the busiest port on the Delaware River and the port of entry for much of our Nation's food supply, especially for the east coast—has been forced to make do with less. Therefore, I am pleased this bill requires the Department of Homeland Security to conduct a risk analysis of our Nation's seaports and establish a priority for security funding.

The Port of Wilmington also participated in something called a Transportation Security Administration pilot program, a program designed to screen port workers and block individuals with a terrorist connection from accessing sensitive areas at our ports. This pilot program was supposed to be the first step toward establishing a national program, with identification cards and equipment that could read biometric information, such as fingerprints and retinal patterns. But the Department of Homeland Security ended this pilot program before the national screening and identification system was ready. The national system was supposed to be implemented by last summer, but it has yet to occur. The implementation date, I am sorry to say, continues to slip. Now we are being told the ports will receive official identification cards by the end of this year, but the essential card readers will not be ready until sometime next year. That doesn't make a lot of sense.

This program is moving forward far too slowly, and that is why I offered an amendment, when the Homeland Security and Governmental Affairs Committee debated port security, to require the Department of Homeland Security to issue its regulations on the worker screening program not next year but by the end of this year. The bill before us today takes a slightly different approach but still addresses the need to get this important program up and running as soon as possible. Under the Port Security Improvement Act, this bill, the Department of Homeland Security would be required to fully implement the worker credentialing program at 10 ports by next summer and at all ports by January 1, 2009.

Let me conclude by saying that this week we have also passed rail and transit security amendments, something that is long overdue. I strongly support them. After the train bombing in Madrid 2 years ago and the London Underground attacks last summer, many of us hoped we would take steps to prevent a similar kind of attack here. But to date, the Federal Government has done far too little to address transit and rail security needs in this country. In fact, rail and transit security received less than 3 percent of the funding that has been dedicated thus far to airport security.

I want to be honest with you. Protecting our rail and transit lines will not be an easy task. Almost 10 billion transit trips were taken in 2004, and transit accommodates more than 16 times the number of daily travelers than do our Nation's airlines—16 times. There are more and more people using rail transit every day so they can avoid traffic and high gasoline prices. Also, it is much more difficult to protect an open system such as the ones at bus stops and train stations than it is to guard the closed systems we have at airports. You cannot physically check every bag that is brought onto a commuter train or ID every person who boards a bus, nor do I believe we ought to. The rail transit systems can only work if they are fluid. I believe long lines of people taking off their shoes to get on a train or bus would render them largely unworkable.

As much as anything, though, what we need to do in order to reduce the likelihood of a debilitating attack on our transit and rail systems is to improve surveillance, more security officers, use of canines, and heavy reliance on the use of new technologies. This requires strong leadership, vision, and enthusiasm for attacking the unique challenges of securing rail and transit.

It also requires effective partnerships. The Federal Government needs to be one of those principal partners. So far, the Department of Homeland Security has only shown a strong appetite for preventing the sort of attack that led to its creation. The White House proposes lumping together all nonaviation security into one competitive grant program, with less than 15 percent of the funding proposed for aircraft security. That is less than 15 percent for all of them—transit, ports, rail, and so forth.

Further, the tiny sums that have been appropriated for rail security have been very slow to move. Last year, the Department of Homeland Security took 9 months just to start sending appropriated funds to State and local transit authorities. I realize they can't turn the spigot on overnight, but 9 months? We can do better than that, and we need to. Rail and transit security should not be controversial issues. We know we need to upgrade the emergency exits and surveillance equipment at train stations. Further, we need to hire more police officers, we need to train and deploy more bomb-sniffing dogs, and we have to develop more sophisticated equipment that would allow us to detect threats without unduly slowing commute times. It will require smart people, a strong focus, and good leadership. That is why we must pass rail security legislation that lays out a national approach and framework.

While I am very happy we adopted the rail and transit security amendment to this bill, I simply cannot understand why this legislation has been so difficult to get passed and signed into law. What is controversial about hiring bomb-sniffing dogs or improving surveillance? Nothing. The threat has simply not been taken seriously.

How much more time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 45 seconds remaining.

Mr. CARPER. I hope this casual approach to a dangerous threat ends with the adoption of the rail and security amendments this week. I strongly support their passage and urge our leadership to fight to maintain them in the bill with the amendments we send to the President.

In conclusion, it has been 5 years since 9/11; 5 years of hearing that we need to take threats seriously and realize we live in a dangerous world. It is time we act on those words and protect the millions of Americans who rely on rail and transit every day, and on our ports, just as this legislation would better protect our ports and the communities around them in the years ahead.

Mr. President, I yield my time.

Ms. COLLINS. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, we are in a time where we have equally divided time, and I am going to give 5 minutes to the Senator from Arkansas off of our time and ask unanimous consent that any quorum calls that occur from here on are equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arkansas is recognized for 5 minutes.

AMENDMENT NO. 4959

Mr. PRYOR. Mr. President, I thank the managers of this legislation. They have done a fantastic job in getting us to where we are today. Also, I thank Senator TALENT of Missouri, who has been my cosponsor on the amendment I wish to visit with you about, very briefly, today.

Port Security remains a major vulnerability for this country, and tied to port security is trucking security.

The 9/11 Commission identified foreign trucking entities entering the United States as a top homeland security concern. The DOT inspector general has recommended that various security enhancements to the trucking

security provisions in this bill be made. This goes back to 2004, but they have largely been ignored since that time.

If you look at the reality of the situation in which we find ourselves today, we have NAFTA, where NAFTA allows foreign trucks to come into the United States within 25 miles of the U.S. border. They can pass between Mexico and Canada. But what we have found in reality is that, although most are playing by the rules, and that is good, there are some truckdrivers and trucking companies violating the provisions of U.S. law by delivering goods and picking up goods far outside the scope of where they are supposed to do it.

Trucking is very important to this country. It may not be very exciting to some people, but it is very important to this country because 70 percent of our Nation's cargo is carried by truck.

It is also important to homeland security because trucks have been used in terrorist attacks in years past. What Senator TALENT and I are trying to do with our amendment—and the managers have graciously agreed to accept it in the managers' package—is to direct the Department of Transportation and the Department of Homeland Security to first verify legal status of all licensed commercial truck drivers operating in the United States. Right now there are about 11 million of those, and there are about 40,000 new ones every month.

First, we have to verify legal status.

Second, we eliminate commercial driver's license fraud. Of course, we know that it is not perfect. We will probably not eliminate every single incident of that, but we are going to make a very serious stab at eliminating as much as possible.

Third—this is very important—we give State governments and local law enforcement uniform guidelines and tools for enforcing immigration violations by truckers who are operating beyond the scope of their authority.

This is something that we have seen in Arkansas—I am sure that Senator TALENT has seen it in Missouri—and all around the country. People on the ground down in the trenches, local law enforcement—in our case, it is the highway police—don't have any clear direction on what they can do if they find someone who is driving illegally under these circumstances.

We do all this and give them 1 year to comply with this amendment.

We are basically taking areas that have been identified by the 9/11 Commission or by the DOT inspector general, and we are holding DOT's and DHS's feet to the fire to make sure they do the right thing when it comes to immigration and homeland security.

It is a win-win-win across the board. It is good for the United States economy, it is good for our trucking industry, and it is good for United States security and homeland security. It will reward the good guys and punish the bad guys.

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.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Ms. COLLINS. Mr. President, I commend the Senator from Arkansas for his involvement on this issue. He is a terrific member of the Homeland Security Committee. I appreciate his many contributions.

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. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

AMENDMENTS NOS. 5016, 5017, 5018, AND 5001, EN BLOC

Mr. STEVENS. Mr. President, I send three amendments to the desk for myself, Senator GRASSLEY and Senator SNOWE.

There is a Wyden amendment, No. 5001, at the desk.

Mrs. MURRAY. Mr. President, if the Senator will withhold for 1 minute until we have a chance to see what those are. I don't have the package in front of me.

I thank the Senator.

Mr. STEVENS. Mr. President, the Wyden amendment is on the definition of change, my amendment pertains to anchor handling, the Snowe amendment is with regard to a conveyance extension, and the Grassley amendment is with regard to technical corrections.

These were erroneously left out of the managers' package which we processed last evening.

I ask unanimous consent that these four amendments be considered as additions to the managers' package, that they be considered en bloc and agreed to en bloc, and the motions to lay on the table be agreed to.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 5016

(Purpose: To provide a phased and temporary anchor movement exception for Alaska)

SEC. ———. PHASE-OUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and sections 12105(c) and 12106 of title 46, United States Code, a foreign-flag vessel may be employed for the movement or transportation of anchors for operations in support of exploration of offshore mineral or energy resources in the Beaufort Sea or the Chukchi Sea by or on behalf of a lessee—

(1) until January 1, 2010, if the Secretary of the department in which the Coast Guard is operating determines that insufficient eligible vessels documented under chapter 121 of title 46, United States Code, are reasonably available and suitable for these support operations; and

(2) during the period beginning January 1, 2010, and ending December 31, 2012, if the Secretary determines that—

(A) the lessee has entered into a binding agreement to use eligible vessels documented under chapter 121 of title 46, United States Code, in sufficient numbers and with sufficient suitability to replace foreign flag vessels operating under this section; and

(B) the Secretary determines that no eligible vessel documented under chapter 121 of title 46, United States Code, is reasonably available and suitable for these support operations to replace any foreign flag vessel operating under this section, if such a determination is made, until January 1, 2013, if no vessel documented under the laws of the United States is reasonably available and suitable for these support operations to replace any foreign-flag vessel operating under this section.

AMENDMENT NO. 5017

(Purpose: To make technical corrections)

On page 5, line 2, insert ''to'' before ''secure''.

On page 8, line 8, strike the first period and ''; and''.

On page 12, line 24, strike '', of this section'' and insert ''of this section,''.

On page 16, line 15, strike ''and State'' and insert ''State''.

On page 16, line 18, after ''stakeholders'' insert the following: ''adversely affected by a transportation security incident or transportation disruption''.

On page 17, line 23, insert ''Public Law 108-293'' before ''118''.

On page 20, line 15, strike ''of the Nation's commercial seaports'' and insert ''of the commercial seaports of the United States''.

On page 24, line 4, strike the semicolon and insert a comma.

On page 24, line 13, strike ''(2)'' and insert ''(1)''.

On page 27, line 23, strike ''ocean-borne'' and insert ''oceanborne''.

On page 28, line 8, strike ''ocean-borne'' and insert ''oceanborne''.

On page 29, line 5, strike '', and'' and insert ''and''.

On page 33, line 17, after ''issues'', insert ''resulting from a transportation security incident or transportation disruption''.

On page 36, line 11, insert ''the'' before ''Container''.

On page 39, line 24, strike ''ocean-borne'' and insert ''oceanborne''.

On page 48, line 7, insert a comma after ''Commissioner''.

On page 69, line 3, strike ''Undersecretary'' and insert ''Under Secretary''.

On page 72, lines 18 and 19, strike ''the current fiscal year'' and insert ''the fiscal year in which the report is filed''.

On page 73, line 23, strike ''the current fiscal year'' and insert ''the fiscal year in which the report is filed''.

On page 85, line 23, strike the first period.

AMENDMENT NO. 5018

(Purpose: To change a conveyance date for Coast Guard property in Portland, Maine)

SEC. ———. COAST GUARD PROPERTY IN PORTLAND, MAINE.

Section 347(c) of the Maritime Transportation Security Act of 2002 (Public Law 107–295; 116 Stat. 2109) is amended by striking ''within 30 months from the date of conveyance.'' and inserting ''by December 31, 2009.''.

AMENDMENT NO. 5001

(Purpose: To modify the definition of the term ''container security device'')

On page 4, line 25, strike ''a device'' and all that follows through page 5, line 4, and insert

the following: a device, or system, designed, at a minimum, to identify positively a container, to detect and record the unauthorized intrusion of a container, and to secure a container against tempering throughout the supply chain. Such a device, or system, shall have a low false alarm rate as determined by the Secretary.

Mr. STEVENS. I thank the Chair. I thank all concerned.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I would like to have the Chair recognize the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4923, AS MODIFIED

Mr. ISAKSON. Mr. President, I call up amendment No. 4923, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 4923.

Mr. ISAKSON. Mr. President, I ask unanimous consent that amendment No. 4923 be modified with the Kennedy amendment, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is so modified, notwithstanding the filing deadline.

The amendment, as modified, is as follows:

(Purpose: To reduce the radiation exposure of maritime workers and to reimburse maritime terminal operators for additional costs associated with illnesses or injuries for which exposure to ionizing or non-ionizing radiation from cargo screening procedures required under Federal law is a contributing cause)

At the appropriate place, insert the following:

SEC. ___. CARGO SCREENING.

(a) RADIATION RISK REDUCTION.—

(1) SAFETY PROTOCOLS.—Immediately upon passage of this Act, the Secretary, in consultation with the Secretary of Labor and the Director of the National Institute of Occupational Safety and Health at the Centers for Disease Control, shall develop and implement protocols to protect the safety of port workers and the general public.

(2) PUBLICATION.—The protocols developed under paragraph (1) shall be—

(A) published and made available for public comment; and

(B) designed to reduce the short- and long-term exposure of worker and the public to the lowest levels feasible.

(3) REPORT.—Not later than 1 year after the implementation of protocols under paragraph (1), the Council of the National Academy of Sciences and Director of the National Institute of Occupational Safety and Health shall each submit a report to Congress that includes—

(A) information regarding the exposure of workers and the public and the possible risk to their health and safety, if any, posed by these screening procedures; and

(B) any recommendations for modification of the cargo screening protocols to reduce exposure to ionizing or non-ionizing radiation to the lowest levels feasible.

(b) GOVERNMENT RESPONSIBILITY.—Any employer of an employee who has an illness or injury for which exposure to ionizing or non-ionizing radiation from port cargo screening procedures required under Federal law is a contributing cause may seek, and shall receive, full reimbursement from the Federal Government for additional costs associated with such illness or injury, including costs incurred by the employer under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.), State workers' compensation laws, or other equivalent programs.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENTS NOS. 4923, AS MODIFIED, AND 4986, AS MODIFIED

Ms. COLLINS. Mr. President, there are two amendments that have been cleared on both sides, the Isakson amendment No. 4923, as modified, and the Baucus amendment No. 4986, as modified. I ask unanimous consent that they be agreed to en bloc.

The PRESIDING OFFICER. There is no modification at the desk to the Baucus amendment.

The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. BAUCUS, proposes an amendment numbered 4986, as modified.

The amendment, as modified, is as follows:

(Purpose: To require that as part of the annual performance plan required in the budget submission of the Bureau of Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner of Customs establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the Bureau with respect to the interdiction of illegal drugs entering the United States, and for other purposes)

At the end of the bill, insert the following:

TITLE V—METHAMPHETAMINE

SEC. 501. METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.

(a) COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.—For each of the fiscal years of 2007, 2009, and 2011, as part of the annual performance plan required in the budget submission of the United States Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner shall establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the United States Customs and Border Protection with respect to the interdiction of illegal drugs entering the United States.

(b) STUDY AND REPORT RELATING TO METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.—

(1) ANALYSIS.—The Commissioner of shall, on an ongoing basis, analyze the movement of methamphetamine and methamphetamine precursor chemicals into the United States. In conducting the analysis, the Commissioner shall—

(A) consider the entry of methamphetamine and methamphetamine precursor chemicals through ports of entry, between ports of entry, through the mails, and through international courier services;

(B) examine the export procedures of each foreign country where the shipments of methamphetamine and methamphetamine precursor chemicals originate and determine if changes in the country's customs over time provisions would alleviate the export of methamphetamine and methamphetamine precursor chemicals; and

(C) identify emerging trends in smuggling techniques and strategies.

(2) REPORT.—Not later than September 30, 2007, and each 2-year period thereafter, the Commissioner, in consultation with the United States Immigration and Customs Enforcement, the United States Drug Enforcement Administration, and the United States Department of State, shall submit a report to the Committee on Finance and the Committee on Foreign Relations of the Senate, and the Committee on Ways and Means and the Committee on International Relations of the House of Representatives, that includes—

(A) a comprehensive summary of the analysis described in paragraph (1);

(B) a description of how the United States Customs and Border Protection utilized the analysis described in paragraph (1) to target shipments presenting a high risk for smuggling or circumvention of the Combat Methamphetamine Epidemic Act of 2005 (Public Law 109–177).

(3) AVAILABILITY OF ANALYSIS.—The Commissioner shall ensure that the analysis described in paragraph (1) is made available in a timely manner to the Secretary of State to facilitate the Secretary in fulfilling the Secretary's reporting requirements in section 722 of the Combat Methamphetamine Epidemic Act of 2005.

(c) DEFINITION.—In this section, the term ''methamphetamine precursor chemicals'' means the chemicals ephedrine, pseudoephedrine, or phenylpropanolamine, including each of the salts, optical isomers, and salts of optical isomers of such chemicals.

The PRESIDING OFFICER. Is there further debate on the amendments? If not, without objection, the amendments, as modified, are agreed to en bloc.

The amendments (Nos. 4923, as modified, and 4986, as modified) were agreed to.

Ms. COLLINS. Mr. President, 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.

Ms. COLLINS. Mr. President, very shortly we will be voting on cloture on the Port Security Act. I urge my colleagues to support the cloture motion. We hope to be able to complete action on this bill by 5 o'clock this afternoon. We are working toward that goal.

Senator MURRAY and I are happy to talk to our colleagues, but we will be moving through the amendments at a very rapid pace after cloture is invoked, as I hope it will be. We have made great progress on this bill. It is

an important bill for our homeland security, and I urge all of our colleagues to support the cloture motion.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are about to vote on cloture on a very important maritime cargo security bill. This is a bill that will have a significant impact on the Nation's security, as it is implemented. A number of people have been working on the floor for the last several days to work our way through amendments. I think a lot of progress has been made, and I am very pleased with the number of improvements that have been made to this bill over the last several days.

When this bill is finally passed out of the Senate and conferenced with the House, which I hope will occur shortly, and signed by the President, we can all say that in a bipartisan way we have significantly made a difference in the lives of all Americans.

In a moment we will be voting on cloture. That means this bill is very close to the end. We have a few amendments we are going to be dealing with, but both the Republican leader and the Democratic leader have been clear they want this bill finished by early afternoon. That means if any of our colleagues on our side have an amendment they need to have discussed, they need to talk with us during this cloture vote or their amendment will not be considered. So I urge anybody on my side who has an amendment out there, an issue that needs to be dealt with, to talk with us during this coming cloture vote.

Mr. President, with that, I urge my colleagues on my side to vote for cloture and to move this very important piece of legislation forward.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Pennsylvania, Mr. SPECTER, be allowed to speak for 10 minutes as in morning business immediately after the cloture vote.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I would not object. If the Senator could withhold for just 1 minute to let me check on my side.

Ms. COLLINS. I would be happy to withhold.

Mrs. MURRAY. Mr. President, I would ask the Senator from Maine to modify her request so that following the 10 minutes for the Senator from Pennsylvania that Senator BAUCUS be allowed to the speak for 10 minutes on our side.

The PRESIDING OFFICER. Does the Senator so modify her unanimous consent request?

Ms. COLLINS. Mr. President, I so modify my request.

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 432, H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Bill Frist, Susan M. Collins, David Vitter, Jon Kyl, James Inhofe, Tom Coburn, Jim DeMint, Richard Burr, Wayne Allard, Ted Stevens, Craig Thomas, Richard C. Shelby, R.F. Bennett, Mike Crapo, Sam Brownback, Rick Santorum, Larry E. Craig.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 4954, the Security and Accountability for Every Port Act, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

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

The yeas and nays resulted—yeas 98, nays 0, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—98

Alexander	Dorgan	McConnell
Allard	Durbin	Menendez
Allen	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burns	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Santorum
Cantwell	Inouye	Sarbanes
Carper	Isakson	Schumer
Chambliss	Jeffords	Sessions
Clinton	Johnson	Shelby
Coburn	Kennedy	Smith
Cochran	Kerry	Snowe
Coleman	Kohl	Specter
Collins	Kyl	Stabenow
Conrad	Landrieu	Stevens
Cornyn	Lautenberg	Sununu
Craig	Leahy	Talent
Crapo	Levin	Thomas
Dayton	Lieberman	Thune
DeMint	Lincoln	Vitter
DeWine	Lott	Voinovich
Dodd	Lugar	Warner
Dole	Martinez	Wyden
Domenici	McCain	

NOT VOTING—2

Akaka	Chafee

The PRESIDING OFFICER. On this vote, the yeas are 98, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mrs. MURRAY. 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.

AUTHORITY FOR COMMITTEES TO MEET

Mr. FRIST. Mr. President, I have 10 unanimous consent requests for committees to meet. They have the approval of the leaders. I ask unanimous consent that these requests be agreed to and printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I would make an inquiry. I inquire of the distinguished majority leader if the Senate Armed Services Committee could be added to that list and, therefore, be able to continue our hearing.

Mr. FRIST. Mr. President, right on top of the 10 requests is the unanimous consent request that the Armed Services Committee be authorized to meet during the session.

For the information of our colleagues, there had been an objection earlier today. I talked to the appropriate Members and that was readily agreed to. So the Armed Services Committee will be able to meet accordingly any time today.

Again, for the information of our colleagues, I ask the chairman of that committee to indicate what time they will resume the meeting.

Mr. WARNER. Mr. President, I thank our distinguished leader. With the concurrence of the distinguished ranking member, Mr. LEVIN, we have agreed to resume in open session a markup in the Armed Services Committee in Hart 216 at 2:15.

Mr. LEVIN. Mr. President, will the majority leader yield?

Mr. FRIST. Yes.

Mr. LEVIN. To make sure that the Record is clear, there has never been and has not been any objection—I am sure the majority leader would concur—any objection from this side at any time to the Armed Services Committee meeting today.

Mr. WARNER. Mr. President, I thank the Senator. That is well known to this Senator—that the Senator from Michigan and that side of the aisle has been totally cooperative in having a markup.

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

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I believe I have consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator is correct.

TERRORIST SURVEILLANCE

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly about two subjects: One, the legislation providing for judicial review for the President's terrorist surveillance program; and, second, what we are going

to do to comply with Hamdan v. Rumsfeld.

The Judiciary Committee reported out three bills yesterday. S. 2453, which is my bill, provides that the surveillance program will be submitted to the Foreign Intelligence Surveillance Court. There is no doubt that the President's program violates the Foreign Intelligence Surveillance Act, which purports to be exclusive. But if there is constitutional authority under Article 2, that constitutional authority trumps the act. The only way there can be a determination on that is to have a court weigh the seriousness of the threat as opposed to the invasion on privacy.

This legislation, S. 2453, does not authorize the President's program, contrary to the assertions of many people. What it does is subject the President's program to judicial review. It does not mandate review because, understandably, the President does not want to curtail his institutional authority.

What I have sought to accomplish is to have this program reviewed; and the President has made a commitment, confirmed by the White House, that this program will be submitted for judicial review.

There has been a contention raised that there is an inconsistency between Senator FEINSTEIN's bill, S. 3001, and my bill, S. 2453, and it is not true. The provision in Senator FEINSTEIN's bill says that the FISA is the exclusive means for wiretapping. That is true, unless the statute is superseded by a constitutional provision.

My bill, S. 2453, says that nothing in the act limits the President's constitutional authority, because a statute cannot limit the President's constitutional authority.

We will be moving ahead, I hope shortly, with the leader calling the bill to the floor so that we can make a determination on judicial review to see to it that whatever wiretapping is going on is judicially approved. It may be that some cases will come up collaterally. There are a number of cases in district courts. The one in Portland may have standing. I do not propose, in my legislation, to strip any court of jurisdiction where a case has been started and has proceeded. I think, in the course of business, the matters ought to be referred to the FISA court, but not for any jurisdiction stripping where courts have proceeded.

With respect to the activities of the Congress seeking to comply with the ruling of the Supreme Court of the United States in Hamdan v. Rumsfeld, the primary responsibility goes to the Armed Services Committee. The Judiciary Committee does have jurisdiction because title 18 of the Criminal Code is implicated and we have jurisdiction over the interpretation of the Geneva Conventions.

There have been a number of controversial issues raised on which I would like to comment. One provision relates to classified information. It is my view that it is indispensable to have witnesses confront their accusers and know what the evidence is. Common Article 3 of the Geneva Conventions provides that there has to be an affording of all judicial guarantees which are recognized as indispensable by civilized people. I think that would include telling somebody what the evidence is before they have a significant penalty which might include the death penalty.

We have a Confidential Information Protection Act which sets the guidelines that I think ought to be applicable here. The consequence is, if you cannot produce the evidence for the defendant to hear, the case may have to be dismissed. But that will not prejudice the government here because these individuals can be detained as enemy combatants for an indefinite period of time.

So we will not disclose sources and methods; we will not release anybody; we may not convict them if we can't produce the evidence, but they will be detained and not present a threat.

There is an issue raised as to coerced confessions. I do not believe that we can tolerate that and be consistent with United States law or consistent with the Geneva Conventions. Coerced confessions are unfair and they are unreliable.

With respect to Common Article 3, the Judiciary Committee has submitted for consideration and inclusion in the legislation being considered by the Armed Services Committee amendments to section 303 on war crimes.

I ask unanimous consent that they be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. SPECTER. Mr. President, with respect to the controversy about whether there ought to be included the provisions of the Detainee Treatment Act, I believe that they should be because they further delineate what would constitute a violation of Common Article 3. But I do not believe they ought to be exclusive or foreclose other considerations under Common Article 3. In addition to the specification of the crimes under the War Crimes Act, which I have submitted, it would be useful to have the provisions of the Detainee Treatment Act included, which are the fifth amendment, the eighth amendment and the 14th amendment, where there has been considerable judicial interpretation as to what are prohibited acts.

General Hayden, Director of the CIA, thinks that is necessary in order to be able to give comprehensive advice.

I personally do not know that the interrogation has to go beyond what is in the Army Field Manual. In a visit to Guantanamo, the chief interrogator handling some 32 interrogators and thousands of interrogations thinks that the Army Field Manual is sufficient. It may or may not be. The CIA wants greater latitude, but there is some assurance of congressional oversight because the interrogation tactics have to be submitted to the Intelligence Committee. One other point that I want to comment on is my concern about the inclusion of habeas corpus relief. I believe that it is important to retain jurisdiction of the Federal courts on habeas corpus. This was a contested issue under the Detainee Treatment Act, but we have seen that the only real firm guidance has come from the Supreme Court of the United States.

In three cases regarding detainees from June of 2005, Jose Padilla, Hamdi, and the Hamdan v. Rumsfeld decision, the Congress has been unwilling or unable to act. I introduced legislation for military commissions shortly after September 11 as did other Senators. We didn't act. We punted to the Supreme Court.

These issues, regrettably, experience has shown, are just too hot to handle by the Congress. The Supreme Court of the United States under the rule of law has enforced compliance of detainees, and now compliance for those who are to be tried for war crimes under the Geneva Conventions' terms as well as under title 18.

It is simply insufficient to limit the great rift which seems embodied in our habeas corpus statute.

I have had some discussion with Senator LEVIN, who is on the floor at the present time, about offering an amendment if in fact the bill comes from the Armed Services cutting out habeas corpus.

It is my hope that we can move reasonably promptly to S. 2453 so that there may be set in motion the procedures to have the Federal courts rule on the constitutionality of the President's electronic surveillance program.

It would be highly desirable to bring the entire program under the Foreign Intelligence Surveillance Act. There are provisions in Senator FEINSTEIN's bill, S. 3001, which I have cosponsored, that I believe would enable us to bring individual live warrants for causes which originated in the United States and go overseas.

I have been advised that the calls which originate overseas are so numerous that it is not possible to have individual live warrants. So that under these circumstances the most that can be accomplished is to have the program submitted to the Foreign Intelligence Surveillance Court.

In one of the four hearings on this bill, four former judges of the FISA Court appeared and testified and commented that the bill was practical, that there was sufficient standing, that there were litigable issues and that the Foreign Intelligence Surveillance Court can handle it. They can handle it as a matter of expertise because of their extensive experience, and they can handle it because their proceedings are closed so that there is not a public disclosure of state secrets.

It may be, as I said very briefly earlier, that one of the cases coming out of Federal courts—there has been a decision from Detroit, and there is a case pending in San Francisco—my review of those cases suggests to me that the case which is coming out of Portland I think would have standing.

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

Mr. SPECTER. Mr. President, I thank the distinguished chairperson of the Homeland Security Committee for yielding me the time. I yield the floor.

EXHIBIT 1

SEC. 303. WAR CRIMES ACT AMENDMENT.

Section 2441 of title 18, United States Code is amended by replacing subsection (c)(3) with the following:

''(3) which constitutes any of the following serious violations of common Article 3 of the international conventions signed at Geneva 12 August 1949, when committed in the context of and in association with an armed conflict not of an international character:

''(1) TORTURE.—Any person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be guilty of a violation of this subsection. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. 2340(2).

''(2) CRUEL OR INHUMAN TREATMENT.—Any person who commits, or conspires or attempts to commit, an act intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including severe physical abuse, upon another person within his custody or physical control shall be guilty of a violation of this subsection. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. 2340(2).

''(3) PERFORMING BIOLOGICAL EXPERIMENTS.—Any person who subjects, or conspires or attempts to subject, one or more persons within his custody or physical control to biological experiments without a legitimate medical purpose and in so doing endangers the body or health of such person or persons shall be guilty of a violation of this subsection.

''(4) MURDER.—Any person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in the hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

''(5) MUTILATION OR MAIMING.—Any person who intentionally injures, or conspires or attempts to injure, or injures whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in the hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause, by disfiguring the person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of his body, or burning any individual without any legitimate medical or dental purpose, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

''(6) INTENTIONALLY CAUSING GREAT SUFFERING OR SERIOUS INJURY.—Any person who intentionally causes, or conspires or attempts to cause, serious bodily injury to one or more persons taking no active part in the hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack. 'Serious bodily injury' has the meaning provided in 18 U.S.C. 113(b)(2).

''(6) RAPE.—Any person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused or with any foreign object shall be guilty of a violation of this subsection.

''(7) SEXUAL ASSAULT OR ABUSE.—Any person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact, shall be guilty of a violation of this subsection. For purposes of this offense, 'sexual contact' has the meaning provided in 18 U.S.C. 2246(3). Sexual assault or abuse may also include, but is not limited to forcing any person to engage in simulated sexual acts or to pose in an overtly sexual manner.

''(8) TAKING HOSTAGES.—Any person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be guilty of a violation of this subsection. This provision shall not apply to prisoner exchanges during wartime. Any person who attempts to engage or conspires to engage in this offense shall also be guilty under this subsection;''

Section 2441 of title 18, United States Code is amended by replacing the period at the end of subsection (c)(4) and adding the following new subsections:

''(5) involving 'genocide' as defined in title 18, United States Code, section 1091;

''(6) involving 'sabotage' as defined in title 18, United States Code, section 2151 et seq.; or

''(7) involving forced oaths, conversions, or renouncements of one's allegiance to a nation or religion.

Section 2441 of title 18, United States Code is amended in subsection (a) by adding ''attempts to commit a war crime, or conspires to commit a war crime,'' after ''commits a war crime.''

Section 2441 of title 18, United States Code is amended by adding the following sentence at the end of subsection (b):

The circumstances referred to in subsection (a) shall also include unprovoked attacks on American citizens on domestic or foreign soil by any private army, terrorist organization, or other ideological combination or alliance where such an attack would otherwise be considered a war crime if committed by a nation state or military force.

CHAPTER 3—JUDICIAL REVIEW; MISCELLANEOUS. SEC. 301. JUDICIAL REVIEW.

COMBATANT STATUS REVIEW TRIBUNALS.—The United States Court of Appeals for the Armed Forces shall, with the United States Supreme Court upon a petition for certiorari, have exclusive jurisdiction to determine the validity of any final decision of a Combatant Status Review Tribunal. The scope of such review is defined in section 1005(e)(2) of the Detainee Treatment Act of 2005. If the Court grants a detainee's petition for review, the Department of Defense may conduct a new Combatant Status Review Tribunal.

(1) MILITARY COMMISSION.—Review shall be had only of final judgments of military commissions as provided for pursuant to section 247 of the Military Commissions Act of 2006.

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for 10 minutes.

EXTENDERS PACKAGE

Mr. BAUCUS. Mr. President, yesterday I tried to get the Senate to pass a bill extending the 2005 expired tax provisions, what we call the extenders package. The majority leader objected at that time and stated that it was his desire that the extenders continue to be part of the so-called ''trifecta'' package, married with estate tax relief and a minimum wage increase. I told him yesterday of my concern that since that strategy has already failed a number of times, and I don't think there is much hope of any change, and it is time to let the popular tax extenders package pass.

I want to take the leader at his word that there is hope for change. But I also read comments yesterday by one of our Senate colleagues tasked by the majority leader to try to find a solution to all of this, and that Member of that so-called task force is quoted as saying, ''My counsel is to do it in the lame duck session.''

I very much oppose that. I don't think it makes any sense to push all of this in a lame duck. Let me tell you why.

Last week, I asked the IRS Commissioner at a hearing of the Finance Committee what the drop-dead date was for tax extenders. By drop-dead date, I mean what is the latest date by which the IRS can receive changes to tax law and still have time to print and distribute tax forms for the 2006 tax year. He told me October 15. That is the drop-dead date. Clearly, that is after the recess and that is why this strategy makes no sense.

It makes no sense because after that date, it is very difficult for the IRS to print up the forms and, more than that, a lot of mistakes will be made.

Yesterday, I joined my good friend, the chairman of the Finance Committee, in releasing an analysis of just how the IRS will deal with all of these changes. Let me tell you what they concluded.

Senator GRASSLEY said upon releasing this analysis that, ''A delay of legislative action beyond the anticipated recess date of September 29 will cause hardship, tax compliance problems, and

confusion for the millions of taxpayers who claim these widely-applicable tax benefits.''

It is just a mess that we need not cause.

I also add that Senator GRASSLEY's counterpart in the House, the chairman of Ways and Means Committee, said, ''My job is to be responsible to the taxpayers, not a bureaucracy to make its job easier.''

I might also add that we are here to get the extenders passed for the taxpayers, to help taxpayers because taxpayers need this relief.

The chairman of the Finance Committee went on to say that, ''The failure to extend expired tax cuts will at best cause administrative snafus for the IRS and at worst cause taxpayers to miss out on the tax benefits they are entitled to.''

This is a taxpayer problem—one that we should address now before we recess.

I would also like to point out something else which I think is important. A resolution was passed yesterday by the House Republican Study Committee. They surveyed their members, and developed a list of five priorities. One of these priorities adopted by the 110-member group in the House Republican Study Committee was to ''pass a clean tax cut extenders bill.''

I would guess that group would be invested as much anyone else in passing the so-called trifecta bill, but even the 110 members in the other body have decided it is time to move on and pass the extenders.

There are more than 3 million teachers who have been buying classroom supplies who are waiting for their deduction to be restored. There are more than 12 million families in States with sales taxes, including many in the leader's home State of Tennessee, hoping they can deduct those sales taxes, just like families in income tax States. And there are more than 20,000 businesses hoping for this worker credit, that have hired the hard-to-employ workers who have been on long-term public assistance, people who simply want to get back into the workplace, and need a boost from the work opportunity credit. Those taxpayers are hoping the Senate gets this passed.

Just this morning I received a letter signed by more than 600 American companies and 164 trade associations representing thousands of small, medium, and large companies employing high-tech workers in research. They urged us to end this ''cloud of uncertainty.'' They are very concerned we are not going to pass this in time.

As I have said a couple of times, there are companies that have to restate their financials because of Congress's failure to pass these tax incentives which expired last year. It has not been the law for about 9 months, and they have to start restating their earnings on financial reports because of Congress's ineptitude, Congress's incompetence in not passing and continuing the research and development tax credit, teachers deduction, tuition deduction, and sales tax deduction.

School started just a short while ago. There are teachers who go to Wal-Mart to get supplies for their classroom because the school district is not providing enough to them. We should be giving them a tax deduction. School started and we are not giving it to them anymore. It makes no sense. It is wrong. It shows the competency of this Congress in doing its business is now very much in question.

Mrs. LINCOLN. Will the Senator yield?

Mr. BAUCUS. I am happy to yield.

Mrs. LINCOLN. Mr. President, I compliment and applaud the leadership of Senator BAUCUS in working to get the retired tax incentives renewed.

Did I hear the Senator correctly, the welfare-to-work and work opportunity tax credits expired at the end of 2005? Is it true that these credits have expired and we in Washington have yet to renew them, and 20,000 businesses have not been able to use this important tool?

We are here to provide tools to businesses to grow the economy, to grow the jobs. I know the good Senator from Montana traveled his State, as I did in Arkansas, in August. People are concerned about the economy. They are concerned about their jobs.

We are talking 20,000 businesses? Did I hear the Senator correctly?

Mr. BAUCUS. The Senator is correct. That is the number that use this work opportunity tax credit. We are trying to employ people. People are trying to get to work.

Mrs. LINCOLN. That is amazing. The objective is to get people off welfare, get them independent and into the jobs.

I think I heard the Senator correctly, as well, because we failed to renew the teacher expense deductions, more than 3 million schoolteachers nationwide—and there are a tremendous amount of Arkansas schoolteachers who give out of their own pockets to bring those supplies in their classrooms—those teachers are going to be paying higher taxes this year if we don't act now?

Mr. BAUCUS. If we do not enact this legislation and make it retroactive this year.

Mrs. LINCOLN. Mr. President, we have had numerous opportunities to renew important tax incentives. Earlier this year we had an opportunity in the tax reconciliation. The priority was to deal with tax cuts that had not even expired or were not going to expire—the dividend deduction and the capital gains.

With tax cuts that have expired, businesses are not going to be able to take advantage of work opportunity tax credits, in research and development. We know we are falling behind in stem cell research. We have businesses that want to make those investments in research and development and be the best they can be in the global marketplace.

These businesses have not been able, is that correct, to realize that tool and use that tax deduction for at least the first three quarters of this year?

Mr. BAUCUS. That is right, at a time when other countries give very generous assistance to their companies in developing research and development so those countries can compete in the global economy.

Mrs. LINCOLN. Once again, I applaud Senator BAUCUS's leadership and his tenacity to come out and say we have a limited amount of time left.

We have businesses out there that want to grow, that need the tools to grow. Yet these issues, things that we do every year to put into the toolboxes of our business, corporate America, our teachers, and others to be able to do the incredible things that make America great. Yet we are just sitting here. We are not doing it. They are being held hostage because we want to put all these eggs into one basket.

I have been very outspoken about my support for the estate tax reform, but there is no reason these extenders should be held hostage to all of these other things that people want to crowd into one basket.

The bottom line is, by failing to renew these incentives, as Senator BAUCUS has said, for responsible behavior such as savings and getting a college education, we are raising the taxes on many of our hard-working American families this year.

I applaud the Senator and I appreciate and am grateful for the leadership.

Mr. BAUCUS. And the answer to the Senator's implied question is, yes, all of that will occur if we do not get this passed. That is correct.

I see another colleague on the Senate floor who may have a question to ask.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAUCUS. I ask unanimous consent to proceed for 2 additional minutes.

Ms. COLLINS. Mr. President, I am compelled to object because we have another Senator coming over shortly for an amendment. I have promised the Senator from Nebraska and the Senator from Montana that they would have a few minutes to talk about their amendment.

Mr. BAUCUS. I say to my good friend, we are talking about 2 minutes.

Ms. COLLINS. It will come out of the time of the Senator from Nebraska because we have the Senator from New York coming at 12:45 for his amendment. I have no objection with that understanding—that it will come out of the time of the Senator from Nebraska.

Mr. BAUCUS. Mr. President, I think the Senator has a question to ask.

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

Mr. BAUCUS. I thank my colleague.

Mr. NELSON of Nebraska. Mr. President, I thank the chairman of the committee and appreciate very much his leadership.

I rise to state I support what Senator BAUCUS has proposed. It affects a number of Nebraska teachers, Nebraska families. I appreciate what the Senator is doing.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senators DURBIN, WYDEN, BIDEN, LAUTENBERG, NELSON of Nebraska, CONRAD, SARBANES, LEAHY, and BYRD be made cosponsors of my amendments Nos. 5003 and 5004.

Ms. COLLINS. I do not object.

Mr. BAUCUS. Now I proceed——

Ms. COLLINS. To the objectionable part.

Mr. BAUCUS. On the part of some.

UNANIMOUS-CONSENT REQUEST—H.R. 4096

Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 326, H.R. 4096; that the Senate adopt my amendments Nos. 5003 and 5004, which is the agreed-upon tax extenders package, the bill be read the third time and passed, the motion to reconsider be laid upon the table, the Senate return to the port security bill—which is not objected to—and all this occur without intervening action.

Ms. COLLINS. Mr. President, on behalf of the leader, I object. The leader objected yesterday. This is the same issue. He has asked I make this objection known.

The PRESIDING OFFICER. The objection is heard.

Ms. COLLINS. Mr. President, at this point I suggest time be yielded to the Senator from Nebraska and the Senator from Montana to briefly discuss a pending amendment of the Senator from Nebraska.

AMENDMENT NO. 4945

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I appreciate the distinguished chairman from Maine. I ask my colleagues, Senators BURNS and CRAIG, who join with me—Senator BURNS is here—I ask unanimous consent that my amendment No. 4945 be in order notwithstanding rule XXII. I know there will be an objection to it, but I also know that Senator BURNS would like to speak to it if possible, before the objection is entered.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, a point of order does lie against this amendment because it is not germane postcloture.

Prior to objecting to the Senator's unanimous consent request, I am happy to withhold so that the Senator from Montana may address this issue.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I am very supportive of the Senator from Nebraska on this issue. I wish we could have gotten a vote and not have to deal with a point of order. I don't think the fires we have had in Montana and the dry weather we have had in Montana yield to a point of order. We do have people hurting.

I appreciate the work done by the Senator from Nebraska. We will continue this exercise, passing an emergency disaster package for agriculture before we go home. I appreciate him allowing me some time.

I pass along to the Senate and Montanans we are having a drought. In fact, our water is only testing 85 percent moisture.

I thank the Senator.

Ms. COLLINS. Mr. President, I do object to the request of the Senator from Nebraska.

The PRESIDING OFFICER. The objection is heard.

Ms. COLLINS. I am very sympathetic to the concerns of both Senators but, unfortunately, this does not belong on the port security bill.

Mr. President, I ask unanimous consent it be in order to make the following point of order, en bloc. I make a point of order that the following amendments are not germane postcloture: amendment No. 4967, offered by Senator STABENOW; amendment No. 4957, offered by Senator CLINTON; amendment No. 4943, offered by Senator CLINTON; and amendment No. 4958, offered by Senator CLINTON.

The PRESIDING OFFICER. The Senator is correct, the point of order is sustained, and the amendments fall, en bloc.

Ms. COLLINS. Mr. President, I further make a point of order that amendment No. 4945, offered by the Senator from Nebraska, as modified, is also not germane postcloture.

The PRESIDING OFFICER. The point of order is sustained.

Ms. COLLINS. Mr. President, thank you.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 4930, AS MODIFIED

Mr. SCHUMER. Mr. President, I rise in support of an amendment that is pending. It will be voted on at 3:30, as I understand.

The amendment is very simple. It mandates—no test study, no pilot—it mandates we inspect all cargo that comes here for nuclear weapons within 4 years.

I have offered this amendment, frankly, out of frustration. This is something that can be done. This is something that is being done. This is something where the technology is working. Yet we refuse to move forward.

I come from New York. Obviously, we lived through September 11. However, I stay up at night sometimes worried about the worst tragedy that could befall us. There is nothing worse, in my opinion—and there are a parade of ''horribles'' with the terrorists—than a nuclear weapon exploding in America. It would change our lives so dramatically for so long for those who survive. If we were ever going to focus on a single issue, this should be it.

But for 4 years I have come to the Senate—my good friend from Minnesota has done very good work on this, my colleague from Maine has, my colleague from Washington has.

They say: We are not ready. Let's do a pilot. Let's study it. Let's improve the technology.

My colleagues, what has changed with me is that I visited the Hong Kong Port run by Hutchison Whampoa last April, along with the Presiding Officer. And we saw it working in two lines. Trucks went through—it did not hold them up—and they were inspected for nuclear weapons in a system that everyone who has looked at it says works.

So what are we waiting for? The cost is not large. It is estimated, once it is up and running, the cost would be about $8 a container. Yet it costs $2,000 to move a container from Hong Kong to the West Coast. It works. The cost is reasonable. We are not asking the Federal Government to pay for it. In a competitive container world, it probably will not even be passed on. That minimal .2 percent addition to the cost of a container will probably not be added on.

So now is the time, my colleagues. We can have another excuse and wait another year and do another pilot, work more on the security and on the technology, or we can implement something now. The Homeland Security Department, in my opinion, is derelict in this responsibility. They have dithered and dallied. Every time we have offered amendments to put an adequate amount of money in to fund this, it has been cut by this body and by the other body.

The frustration, when we know we can really protect the people of this country and we let special interests, we let the fact that we need money for something else—although I do not know what else is more important—stand in our way. It is a monument to why people are frustrated with Washington.

Again, you and I have seen it, I say to the Presiding Officer. We have seen this technology at work. Hutchison Whampoa stands by it. Their leader was so frustrated that he implemented it himself in Hong Kong. And everyone who has studied it says it works. Would it take a little while for all these foreign ports, the 40 ports of the CSI, to set this up? Yes, but not very long. And when you compare this to the danger we face, all of the arguments against mandating that our containers be inspected for nuclear weapons fade away.

Mr. President, I salute my colleagues who have offered other amendments. I salute my colleagues who have worked on the bill. It is a good step forward. But there is a glaring deficiency. We need a mandate. We have been patient long enough. It works. It can protect us. It is not expensive. What are we waiting for?

I urge my colleagues, I hope, I pray we can have a broad bipartisan majority for this amendment because—coming from New York, I feel this keenly—we do not want to be in the ''what if'' situation. God forbid, the worst has happened, a nuclear weapon has been

smuggled in on a container and exploded on our shores. We do not want to be in a situation where we say: What if What if we had done more. Because clearly, as of now, we are not doing enough.

I yield back.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I share the deep concerns of my friend, high school classmate, colleague from New York, where I grew up, about the danger of a nuclear weapon, the danger of a weapon of mass destruction being smuggled into this country in 1 of 11 million containers. We have, no doubt, the same vision. We want America safe.

That is what we have been doing here. That is what the work of the Senator from Maine and the Senator from Washington is about and what we have put forth in the underlying bill that will change.

By the way, there were a lot of things in homeland security that I was frustrated with.

We spent 3 years, the Permanent Committee on Investigations spent 3 years on this issue, studying it, holding hearings. I encourage my colleague from New York to go to Hong Kong to take a look. My colleague and the Presider Officer went to Hong Kong and took a look at the system that is operating on 2 lanes out of 40 to see what we could do to put in place a system that would scan each and every container that goes through. It is a wonderful system.

What we need is action. That is what we did yesterday. We got action. We have in this bill a pilot project that will put in place, in mandates, in directives, not a mandate of what is going to happen in 2008 and 2010, not playing into the sloganeering of ''scan every container,'' but the reality of action today to immediately put in place a pilot project to see if we can make it work in a wider, more systematic way.

I am taken aback when I hear my colleague talk about ''we do not need any pilot projects'' and ''we do not need any test study.'' We have a system in place in Hong Kong now that is 2 lanes out of 40. It is a wonderful system. What happens is—I call it kind of a moving CAT scan—trucks come in and they kind of go through this device, ISIS device, and it takes a scan of what is inside the truck. It has a radiation portal monitor, so you end up getting images. I have watched the images. Hong Kong is a CSI—Container Security Initiative—port, so I have worked with our folks there. But when a radiation alarm goes off in Hong Kong, our folks do not have the capacity to inspect it. There is no followup from us. The images that are received are not processed by the folks in Langley or somewhere else. They are not coordinated with what we do on national security. So you have in place a concept where we have to see whether it works. That is what we should be doing: action. That is what this is about.

It was fascinating; I was reading an editorial in the New York Times and was somewhat taken aback. I am trying to understand the motivation for moving forward with this amendment. This is what I call a wave-the-magic-wand amendment, that we are going to tell people we are mandating something we have already got on the table in front of us, something to test whether it works. That is what we should be doing.

I think, by the way, people in this country are frustrated with Washington when we promise things or sloganeer about something as important as this issue and somehow project the sense we are doing something when we are not doing anything, when there is already action in place—action, action—a pilot project and then a mandate that the Department, in 120 days, tells us: OK, what are the results. Show us how you have integrated this system which is now working in two lanes in Hong Kong—not integrated into anything in our operation—show us that it works, and then requiring the Secretary of Homeland Security, every 6 months, to come back to Congress and report on the status of 100 percent scanning, with specific criteria laid out. That is good government. That is good policy. In the end, I hope it is good politics.

I worry that this is about politics. There was an editorial, I have to say, in the New York Times, I believe today, and I was somewhat taken aback. It criticized Secretary Chertoff. That is OK. The Times can do that. I have criticized him on a number of occasions. But then the editorial talks about this issue of 100 percent scanning and then raised this issue of the cost of scanning—it is a small surcharge—and then it goes on to say: When it comes to homeland security, the Bush administration has completely allowed corporate profits to trump safety—as if somehow, because the cost of this is $20 per container, that is why we are not moving forward mandating it today.

I want to step back. The way I became aware of the Hong Kong project was because of the private sector that said: Senator, you have to see this. We are willing to pay it. The cost is not an issue. The private sector is willing to pay $20 a container to ensure security. God forbid there is a nuclear device that goes off, we shut down the entire import of goods into this country, and we devastate our economy. So this is not a money issue from the private side. This is maybe the old ex-mayor in me saying: This is kind of the practicality of making sure we have something that works.

The Washington Post, in an editorial in June, said it very clearly:

> ''[I]nspect 100 percent of containers'' is a slogan, not a solution, and we hope lawmakers resist the temptation to use it in the election season to come.

The election season is upon us. It is getting very close. This body, yesterday, moved forth with an amendment to put in place a pragmatic, realistic action-oriented way in which we can move to 100 percent screening. We put in place a pilot project to make sure what we are doing works and it makes sense.

We will spend, by the way, billions on this, not in the cost of the cargo but in setting these scanning systems up in the, what, over 700 ports throughout the world. And 147 are major ports. We are going to be spending a lot of money on this, but the issue is not money, it is doing it right. Let us step away from the sloganeering.

I am going to say this as to the idea of something being half-baked. If you put something in the oven and it is going to be really tasty when it is done, it is going to be really delicious, that is something fully baked. And you make sure it is baked in a way so when you eat it, you do not get sick. Half-baked is when you get something in the end that is the right thing—we believe, in the end, each and every container will be screened.

Right now, we have in place the screening of high risk. It is in this bill. Right now, we have the Department saying, before our Homeland Security Committee, by the end of next year, each and every container will be screened for a radiologic or nuclear weapon—by next year. But it will be done in our country. The goal is to have it pushed out, to have that screening done before it gets here. We do not need a half-baked way, a sloganeering way, and to simply say we are going to mandate something in the future, without any path to get there. We have the path. We have done it right. I hope my colleagues reject the Schumer amendment and stick with what we did yesterday because it really makes sense.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Minnesota for his leadership on this issue and for his excellent comments. This issue was debated at length yesterday, so I am going to make my comments very brief.

I do oppose Senator SCHUMER's amendment. I do not think it is practical at this point to require 100 percent scanning of 11 million containers coming into this country. And it ignores the very real improvements that are included in the underlying bill.

I am disappointed to hear the Senator from New York describe our bill as yet another study or yet another pilot project. It is way more than that. It has a layered security system that greatly strengthens the Container Security Initiative, the C–TPAT Program, the automated targeting system. And it includes the provisions we added yesterday at the behest of the Senator from Minnesota that will help us move toward 100 percent scanning when it is

feasible and practical, when the technology is there and able to be in an integrated system.

It also ignores the fact that our bill includes a mandate—a mandate, I would say to the Senator from New York—that the Department of Homeland Security has to install radiological monitors in the 22 busiest ports by the end of next year, which will result in 98 percent of all cargo being screened for radiation, and addresses the issue the Senator has raised about a nuclear bomb or the makings of a dirty bomb.

So this bill does a great deal. I must say, it disappoints me to hear the Senator imply that it does not, even though we disagree on this one particular issue. This has been a bipartisan bill. Senator MURRAY has worked very hard on it, as well as many of the rest of us.

But let me sum up the problems by reading from a recent letter from the World Shipping Council because I think it really says it best. I ask unanimous consent that the letter be printed in the RECORD.

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

WORLD SHIPPING COUNCIL,
September 7, 2006.

Hon. SUSAN M. COLLINS,
Chairman, Senate Committee on Homeland Security & Government Affairs, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: We understand that the Senate is expected to consider shortly legislation to enhance cargo and port security. We write to communicate the World Shipping Council's support for legislation that will enhance the security of both American ports and the international supply chain. Previously, the House of Representatives passed the SAFE Port Act (H.R. 4954). We hope that the Senate legislation will reflect in part this House bill, will further strengthen cargo and port security, and will enable this enhanced security legislation to become law this year.

During debate on this port security legislation, we understand that there may be an amendment which would propose to require 100% container inspection. Earlier this year, the House voted down a similar measure in its debate over the SAFE Port Act. Like the House, we urge you to vote No on any such amendment for the following reasons.

One-hundred percent container inspection proposals purport to be a cheap and effective way to ensure security. They are neither. It also fails to address fundamentally important security questions, it would disrupt American commerce, and it would cause foreign retaliation against American exports.

American commerce would be ground to a halt because there is no practical way to analyze or inspect the scanning images before vessel loading because it is too labor intensive and no technology currently exists to do the analysis, the proposal faces a dilemma that it clearly fails to address. Assuming the proponents intend that every container's scanning images must be inspected and approved before vessel loading, the costs of compliance and costs of gridlocked commerce would be enormous. It changes who the government trusts to perform container screening without a hearing, a pilot program, or a rational deliberative process.

The proposal would effectively end Customs' Trade Partnership Against Terrorism (C-TPAT), without so much as a hearing on the issue. This amendment rejects the strategic concept that there is low risk cargo that does not require inspection, and in doing so, it rejects many U.S. and international governmental efforts to create programs that reward supply chain participants for enhancing the security of their supply chains by inspecting their cargo less frequently. The proposal also undermines the Container Security Initiative (CSI), as CSI is an international cooperative program pursuant to which other governments have agreed to work with the U.S. government to review and inspect containers that are determined to present a security risk, not to inspect every container.

Lastly, the proposal will harm American exporters. The U.S. applies virtually no radiation screening and no inspection to its exports. The amendment proposes that the rest of the world must subject their exports to processes and procedures that the U.S. does not apply to its own commerce. Congress should expect the United States' trading partners to consider imposing reciprocal requirements on U.S. cargo should these proposals be enacted.

The SAFE Port Act established a rational and deliberative process to study and evaluate the deployment of such container inspection technology abroad and all the relevant implementation issues associated with such systems. Senate legislation that mirrors this approach is the correct way to address this important issue.

In conclusion, we look forward to working with you on the important issues of cargo and port security. And, we request that you oppose any 100% container inspection amendment.

Sincerely yours,
CHRISTOPHER L. KOCH,
President & CEO.

Ms. COLLINS. The letter reads, in part, as follows:

One-hundred percent container inspection proposals purport to be a cheap and effective way to ensure security. They are neither. It also fails to address fundamentally important security questions, it would disrupt American commerce, and it would cause foreign retaliation against American exports. . . .

The proposal would effectively end Customs' Trade Partnership Against Terrorism (C-TPAT), without so much as a hearing on the issue. This amendment rejects the strategic concept that there is low risk cargo that does not require inspection, and in doing so, it rejects many U.S. and international governmental efforts to create programs that reward supply chain participants for enhancing the security of their supply chains by inspecting their cargo less frequently.

It also undermines the Container Security Initiative. That is the international cooperative program where we station our inspectors in foreign ports and work with the governments that host those ports.

There are so many arguments against this amendment, Mr. President. The Washington Post said it very well in an editorial earlier this week as well. Most of all, let us remember what the implications are.

I have visited the port in Seattle and have seen the VACIS machines that do the x rays. It took approximately 4 minutes to do that x ray of the container and then another 15 minutes to analyze the image. If you do that with even the completely low-risk cargo, and you think of the fact that we have 11 million containers coming into this country, you are diverting resources away from inspections of high-risk cargo. It would create a massive backlog of cargo at our ports.

Now, as I have indicated, the technology is improving. I am glad the Senator from Minnesota set the record straight on what is and what isn't being done in Hong Kong at this time, where only two lanes are being scanned and the images are not being read and integrated into a security system. But we are going to keep improving the technology. We have a requirement that the Secretary report on this issue to us every 6 months after the pilot project in three foreign ports—after we have the results.

So we are moving in that direction, but let's do so in a practical, effective, efficient way. That is what the underlying bill does, particularly as strengthened by the Coleman-Collins-Stevens amendment.

Mr. President, we have tried very hard in this bill to make sure that we strike the right balance and put into place a security regime that is going to make our ports and our people safer. But we have done it without hampering the vital trade that manufacturers, retailers, and farmers in this Nation depend upon. I think we struck the right balance, and I am going to move to table the Schumer amendment, with the time of the vote to be determined at a mutually agreed upon time.

The PRESIDING OFFICER (Mr. VITTER). The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I want to briefly answer my colleagues. Of course, I have tremendous respect for what they have done and are trying to do. It is certainly true that my colleague from Minnesota was the first to talk about the system in Hong Kong.

I will make two points. First, it is true that we will put mandates here in the United States. We have them in New York in one of our ports. One, it is not close to being as sophisticated, effective, or as speedy as what is done in Hong Kong. It is not as good a system. Second, we don't have to debate the technicality of the system. We all know, as my friend from Minnesota said, that we have to push this outward, because if a nuclear weapon is on a container or a ship in New York Harbor that hasn't docked or been unloaded onto a truck and it explodes, the same terrible consequences exist for the people of New York, Los Angeles, Seattle, or anywhere else that has a major port.

I will make one other point. My colleagues argue for patience. My colleagues argue we have to do this in a certain way. If this were 1 year after 9/11, or 2 years after 9/11, I would agree. In fact, I did. I wanted to offer amendments like this 2, 3, and 4 years ago. But I believe this. I believe nothing

will get homeland security and the shipping industry and the world community to act and get something done better than a mandate. As long as they know they can delay, as long as they can go to DHS and present 10 reasons why this should not be done, DHS, which has shown absolutely no enthusiasm for doing this, will get nothing done.

If this were danger No. 37 on the list, maybe, again, we should not have the tough measure—I would say it is tough—of imposing this. I assure my colleagues—we all know how the world works—a deadline will get DHS, the shipping industry, and all of the other players to act and get this done better than any other method.

So, again, I salute what my colleagues have done, and I remind my colleague from Maine that I have said this is a good bill. In fact, I voted for cloture, despite the urging of some of my colleagues, because I think it is a good bill. On the issue of nuclear security, of inspection of containers for radiological material, no one can say that we have done a good job—not this Senate, not the House and, most of all, not this administration and the Department of Homeland Security.

The time is now to force everybody to act. The danger is too great. I have offered this amendment after years—not months, not days, but years—of trying all of the other ways to get homeland security and, frankly, our two bodies to act. So I am grateful to my three colleagues, all of whom have done yeomen's work in this area. But we can do more. I suggest to all of my colleagues here that this amendment will get us to do a lot more than any other amendment proposed thus far.

I yield the floor.

Mr. COLEMAN. Mr. President, I reiterate the great respect I have for my colleague from New York. He is concerned about this area and he is passionate about safety.

I want to make it clear that we are not counseling patience. We are not asking for delay. It is just the opposite. What we are doing and what we have done and what we did yesterday was action. What we are objecting to is an amendment that offers no real increase in security. We are objecting to an amendment that doesn't do anything, doesn't move the ball forward. It gives an opportunity to talk about 100 percent scanning, and it may end up in some commercial somewhere. I hope that is not what this is about.

The amendment doesn't do anything. It doesn't push the ball forward. This is not about patience. I am not very patient when it comes to making sure we are doing everything possible to protect against the possibility of a nuclear weapon being smuggled into this country, and that is what this bill does.

The amendment is to put in place a pilot project, move quickly; that is what it does. The amendment is to require 100 percent screening of all high-risk containers. That is what it does. We heard in committee the other day from the Secretary of Homeland Security, saying we can have 100 percent screening of all cargo containers for radiological devices by next year.

We are not counseling patience. We are supporting action and objecting to an amendment that offers no increase in safety. It doesn't move the ball forward at all.

I yield the floor.

Ms. COLLINS. Mr. President, I will move to table the Schumer amendment, with the understanding that the time for a vote will be at a mutually agreed-upon time.

The PRESIDING OFFICER (Mr. ALEXANDER). The minority leader is recognized.

Mr. REID. What is the matter before the Senate?

The PRESIDING OFFICER. The pending amendment before the Senate is the Schumer amendment.

The Democratic leader is recognized.

Mr. REID. Mr. President, last Friday the Senate Committee on Intelligence released a bipartisan report that discussed Iraq's links to terrorism and the use of information provided by the Iraqi National Congress. These reports provided the American people with important insights into these critical issues.

Unfortunately, the administration chose to redact—that is a word used around here meaning to black out—important portions of these reports that a bipartisan majority of the Intelligence Committee believes could have and should have been released to the American people.

Last night, I handed a letter to the distinguished majority leader informing him of my intent to offer an amendment to declassify one of these sections.

I will, at an appropriate time, ask unanimous consent that I have the pending amendment set aside to offer my amendment. I am not going to do that right now.

I do ask unanimous consent that a copy of my letter to Senator FRIST be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, September 13, 2006.

Hon. WILLIAM H. FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER FRIST: Late last week the Senate Select Committee on Intelligence on ''a bipartisan basis released reports that discussed Iraq's weapons of mass destruction program and its links to terrorism and the intelligence community's use of information provided by the Iraqi National Congress. These reports provided the American people with important insights into these critical issues.

Unfortunately, the Administration chose to classify certain important portions of these reports that should have been released to the public. A bipartisan majority of the Intelligence Committee disagreed with the Administration's decision to classify certain portions of the report's findings and conclusions and said that classifying this information is ''without justification.''

In my view, the Administration's decision to classify one particular portion of the report—a section discussing a CIA document about the alleged meeting in Prague between 9/11 hijacker Mohammed Atta and an Iraqi intelligence officer—is especially troubling and lacking in justification. As you may know, as recently as this Sunday on national television, Vice President Cheney left open the possibility that such a meeting may have occurred. However, a bipartisan majority of the Intelligence Committee, after thoroughly reviewing relevant intelligence reports and assessments, concluded ''no such meeting occurred.'' The continued classification of sections referencing this meeting only serves to prevent the American public from knowing the full facts about this matter.

The classified version of the Intelligence Committee's report, including the sections dealing with the alleged Atta meeting, are available for all Senators to review in the Committee's offices in room SH–211. I urge you to join with me to encourage all members to review his text so they understand its importance and why that text can and should be made available to the American people.

In light of the importance of this issue, I also think it is important that the Senate act to declassify those portions of the text on pages 96, 97, and 98 of the Intelligence Committee's report that are currently redacted but do not involve sources and methods.

I plan to offer an amendment on that subject to the legislation currently pending in the Senate. Notwithstanding the procedural situation on the floor, I hope you will join with me to offer this important amendment, permit the Senate to act on it, and support its swift adoption.

While I understand that S. Res. 400 spells out a process for the Senate to declassify information, that process is a lengthy one that is likely to take us well beyond your announced adjournment date for the U.S. Senate. Therefore, in light of the importance of this issue, I think it is appropriate that the Senate act expeditiously to declassify this material.

Sincerely,

HARRY REID,
U.S. Senate.

Mr. REID. Mr. President, again, before I get to the need for this amendment, let me be clear. This is about good government. It has nothing to do with politics. I notified the distinguished majority leader of my intentions to speak this afternoon, well in advance—not today; I advised him yesterday—so the majority leader—indeed, every Member of the Senate—knows this is not a partisan effort but, rather, a serious effort to ensure the Senate fulfills its responsibilities to the American people.

I sincerely hope that the majority leader has had time to think about this important amendment and will join with me today to get it agreed to.

The fact is, the White House was wrong to classify portions of the phase II report, as both Republicans and Democrats on the Intelligence Committee have said.

This chart states as follows:

The committee disagrees, however, with the Intelligence Community's decision to classify certain portions of the report's findings and conclusions . . . the Committee concludes that the Intelligence Community's

decision to classify this information is without justification.

This was made public last Friday from the report.

For the record, this is not my conclusion. This is not a Democratic conclusion. This is a bipartisan conclusion of the Republican-led Senate Intelligence Committee.

Again, here is what they said:

The Committee disagrees, however, with the Intelligence Community's decision to classify certain portions of the report's findings and conclusions . . . the committee concludes that the Intelligence Community's decision to classify this information is without justification.

A majority of the Republicans and Democrats in the Intelligence Committee came together and concluded that the administration's decision to keep information from the American people was without justification.

We talk about redaction. It is a word we use more often than I would think we should, but we are using it here today. I will show everyone in this chart what a redaction looks like. Here is the information I had in a letter to the majority leader where I said everyone should go upstairs and look at what these redacted sentences say.

This is not just any redaction. Although, obviously, I cannot discuss the specific content of this, the Intelligence Committee's report does contain some publicly available information that I can discuss.

According to unclassified sections of the committee's report, this section contains information from a CIA document about the alleged meeting in Prague between September 11 hijacker Mohammed Atta and an Iraqi intelligence officer. That is from page 135 of the report on terrorism, page 174 of the Democratic additional views.

As we all know, the alleged meeting referenced here was an important part of this administration's case for going to war. To this day, the meeting continues to be used by the administration officials to justify why we are still engaged in a war in Iraq. Obviously, this is an important piece of information as we assess how we got where we are today in Iraq and what we need to do to go forward in Iraq.

For all my colleagues, though, I want you to know, as important as it is, I would not be here today pressing the declassification of this information if I thought disclosing it to the American people would compromise our intelligence sources and methods. It doesn't.

A number of members of the Intelligence Committee who know exactly what this blacked-out section says, and have heard the administration's case for classifying it, have told me that significant portions of this passage can be declassified immediately with no harm to our national security, no revealing of sources and methods. Nor would I be here today if I thought the process of declassifying information spelled out in S. Res. 400 would work in this case.

S. Res. 400 talks about how we declassify information. As anyone who has taken a look at S. Res. 400 will quickly see, the process is a very lengthy process—so long, in fact, that it is impossible that the Senate would be permitted to express its views on an issue prior to the majority leader's announced adjournment date.

This amendment, the Reid-Rockefeller-Levin amendment, would provide the American people with information they have a right to know now. This amendment would not harm our national security. To the contrary, it will help ensure that we have a better informed Senate debate and a better informed American public, a critical underpinning of any effective national security policy.

I express my appreciation because he has just come to the Senate, to the ranking member of the Intelligence Committee. I want the RECORD to be spread with the fact of how much I appreciate, the Democratic Senators appreciate, the Nation appreciates, the Senator's dedicated work.

It has been tough sledding. The Senator has been dignified in his approach. I so appreciate the tireless efforts of the Senator. Most Senators are in the public eye. That is our job. The Senator's job is not to be in the public eye. The Senator spends days of his legislative life in a room in the Hart Building, in secret proceedings. Nothing can be said that goes on in that room. That is where the Senator spends his time. I so appreciate the Senator's dedicated service to our country.

Before I offer this unanimous consent request to set aside the pending amendment and have my amendment heard, I ask the distinguished Senator from West Virginia if he has some remarks he would like to make.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, first of all, I totally appreciate and totally do not deserve the kind comments of our leader from the State of Nevada, but I heard them and I won't forget them and I didn't mind them at all.

Before the Senate Intelligence Committee was able to release last week two sections of phase II that we have been working on in prewar intelligence in Iraq, we submitted the report to the intelligence community for declassification review.

Overall, the declassification process on the phase II report produced a final product that was a substantial improvement, I have to say, over past efforts, including the committee's heavily redacted July 2004 phase I report. Yet there were notable instances of overclassification in the final phase II report released September 8.

The committee, in its report, disagreed with the intelligence community's decision to classify certain portions of the report's findings and conclusions. In its decision to keep this information from the public, which is what this is about, the intelligence community was unable to demonstrate to the committee that disclosing the redacted—that is, what is blacked-out—the redacted information in question would compromise sensitive sources and methods or otherwise harm the national security.

The committee, therefore, on a bipartisan basis, concluded in its report, which was reported out unanimously, that the intelligence community's decision to classify this information that we are talking about is without justification. Those are the words in the report, ''without justification.''

The Reid-Rockefeller-Levin amendment addresses the most egregious instance in the committee's Iraq report where the cloak of classification is being used improperly to keep critical information from the American people. Specifically, the amendment seeks to overturn the intelligence community's unjustified decision to classify it—that is what this amendment is trying to do—and not only overturn, but the unjustified decision to classify in its totality the section of the Iraq report referring to a CIA document about the alleged meeting in Prague between 9/11 hijacker Mohamed Atta and an Iraqi intelligence officer.

As the unclassified text of the committee report states, the CIA document referenced in these redacted paragraphs expresses concerns about the alleged Prague meeting in the context of a public speech by President Bush planned for March 14, 2003.

For the information of Senators, the committee concluded in its September 8 Iraq report that the intelligence community was correct when it assessed prior to the war that there was no credible information—I repeat, no credible information—that Iraq was complicit in or had foreknowledge of the September 11 attacks on the United States or any other al-Qaida strike. The committee also concluded in its report, after exhaustive review of relevant intelligence reporting, that the alleged Atta meeting in Prague did not occur.

Significant portions of the redacted passage of the report concerning the alleged Atta meeting, if not the entire three paragraphs, can be declassified without revealing sources and methods—that is, without compromising in any way intelligence—or otherwise harming national security. The decision to keep from the public—the public of the Senate, the public of the United States of America—this revealing information about the use of intelligence information prior to the Iraq war represents an improper use of classification authority by the intelligence community, the effect of which is to shield the White House.

I urge my colleagues to go to the Intelligence Committee offices and read the classified portions of the Iraq report—Senators can do that; all Senators can do that, do it in those particular rooms, and they can do it freely—including the sections dealing with

the alleged Atta meeting. Senators should read the report and draw their own conclusions about whether information known prior to the war is being kept from the American people for reasons unrelated to protecting national security.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ROCKEFELLER. I am happy to.

Mr. DURBIN. Mr. President, I would like the Senator from West Virginia to clarify one point, if he might. We have two bodies of information. One is part of the Senate Select Committee on Intelligence report—unclassified, public knowledge. We have another body of information which is classified. I would like to ask the Senator from West Virginia strictly about the first.

The Senate Select Committee on Intelligence report that was issued last week—unclassified and public knowledge, which the Senator has referred to, and particularly as it relates to the alleged meeting in Prague, the Czech Republic, involving Mr. Atta, who was one of the terrorists involved in the 9/11 attacks—if I heard the Senator from West Virginia correctly, the report of the Senate Select Committee on Intelligence, an unclassified and public report, stated no such meeting occurred; is that correct?

Mr. ROCKEFELLER. That is correct.

Mr. DURBIN. Mr. President, I might ask the Senator from West Virginia the following: So when Mr. Tim Russert of ''Meet The Press'' asked Vice President DICK CHENEY, on September 10, this last Sunday, ''And the meeting with Atta did not occur?'' and the Vice President replied, ''We don't know,'' does that contradict the published, unclassified report of the Senate Select Committee on Intelligence that, in fact, we do know the meeting did not occur?

Mr. ROCKEFELLER. I would say to the Senator from Illinois that he is correct, it does contradict that, and moreover this contradiction has been carried on by a number of high officials in this Government for a very long period of time in spite of intelligence which they knew which said this meeting never took place.

Mr. DURBIN. Mr. President, I thank the Senator for yielding for the question.

Mr. ROCKEFELLER. In closing, I urge my colleagues to not only read the information blacked out, redacted—those are pages 96, 97, and 98—read those of the report, but also to consider it in the context of the unclassified, publicly released section on the alleged Atta meeting in Prague that precedes these pages. It sounds complicated, but it is not. Just go read it and you will understand.

I think Senators will find the information classified by the administration on these three pages does not involve intelligence sources and methods as much as it does provide insight into the warning bells that were going off all over about the alleged Atta meeting in the context of a Presidential speech a week before the Iraq war commenced. This is information on the use of prewar intelligence which the White House does not want the American public to have because it would be embarrassing.

The Senate cannot allow this misuse of classification authority to stand. I urge my colleagues to support the Reid-Rockefeller-Levin amendment.

Mr. President, I once again thank the minority leader and yield the floor.

(At the request of Mr. ROCKEFELLER, the following statement was ordered to be printed in the RECORD.)

• Mr. LEVIN. Mr. President, this past Friday, the Senate Intelligence Committee released a report that, among other issues, looks at what we have learned after the attack on Iraq about the accuracy of prewar intelligence regarding links between Saddam Hussein and al-Qaida. The report is a devastating indictment of the Bush-Cheney administration's unrelenting and misleading effort to convince the American people that Saddam Hussein was linked with al-Qaida, the perpetrators of the 9/11 attack.

Before the war, President Bush said: ''[Y]ou can't distinguish between al-Qa'ida and Saddam when you talk about the war on terror,'' and: ''This is a man [Saddam] that we know has had connection with al-Qa'ida. This is a man who, in my judgment, would like to use al-Qa'ida as a forward army.''

But the report released by the Intelligence Committee on Friday tells a different story. The report quotes the CIA's June 2002 assessment that ''our assessment of al-Qa'ida's ties to Iraq rests on a body of fragmented, conflicting reporting from sources of varying reliability.'' That same CIA report said that ''the ties between Saddam and bin Ladin appear much like those between rival intelligence services.''

The Intelligence Committee's report quotes a January 2003 prewar CIA assessment that ''Saddam Husayn and Usama bin Ladin are far from being natural partners;'' that Saddam has ''viewed Islamic extremists operating inside Iraq as a threat;'' and that ''the relationship between Saddam and bin Ladin appears to more closely resemble that of two independent actors trying to exploit each other.''

Those accurate prewar assessments didn't stop the administration from making many false and misleading statements trying to link Saddam Hussein and al-Qaida before the war. What is doubly shocking is that the false statements continue to this day.

Just last weekend, the Vice President said on ''Meet the Press'' that ''The evidence we also had at the time was that he [Saddam] had a relationship with al-Qaeda.''

And the Secretary of State told Fox News earlier this week that ''There were ties between Iraq and Al Qaida.''

Just read the Senate Intelligence Committee's bipartisan report. Those statements are simply not supported by the intelligence, prewar or postwar.

Three weeks ago, the President said in a press conference that Saddam Hussein ''had relations with Zarqawi'' the recently killed terrorist.

The Intelligence Committee's report demonstrates that statement to be flat out false. The committee report discloses, for the first time, the CIA's previously classified October 2005 assessment that Saddam's regime ''did not have a relationship, harbor, or turn a blind eye toward Zarqawi and his associates.''

But neither the CIA's assessment nor the committee's report has stopped the false statements. Just last Sunday, the Vice President said on ''Meet the Press'' that ''We know that Zarqawi . . . fled and went to Baghdad and set up operations in Baghdad in the spring of '02 and was there from then, basically, until basically the time we launched into Iraq.''

Just last weekend, the Secretary of State told CNN ''We know that Zarqawi ran a poisons network in Iraq. . . . So was Iraq involved with terror? Absolutely, Iraq was involved with terror.''

And just this week, Tony Snow, the White House spokesman said ''there was a relationship'' between Saddam and Zarqawi.

Don't they read the CIA's assessments? If they do and disagree, they should say so. Again, the CIA's October 2005 assessment said, flat out, Saddam's regime ''did not have a relationship, harbor, or turn a blind eye toward Zarqawi and his associates.''

There are many more misleading statements. In the fall of 2001, the Czech intelligence service provided the CIA with reporting based on a single source who stated that the lead 9/11 hijacker Mohammed Atta met with an Iraqi intelligence officer in Prague in April 2001.

On December 9, 2001, Vice President CHENEY was asked about the report on ''Meet the Press.'' The Vice President said, said that ''. . . it's been pretty well confirmed that the [9/11 hijacker Mohammed Atta] did go to Prague and he did meet with a senior official of the Iraqi intelligence service in Czechoslovakia last April, several months before the attack.''

On March 24, 2002, the Vice President told ''Meet the Press'' that ''We discovered, and it's since been public, the allegation that one of the lead hijackers, Mohammed Atta, had, in fact, met with Iraqi intelligence in Prague . . .''

But the Intelligence Committee's report declassifies, for the first time, a July 2002, a Defense Intelligence Agency paper that said ''Muhammad Atta reportedly was identified by an asset (not an officer) of the Czech [] service only after Atta's picture was widely circulated in the media after the attacks, approximately five months after the alleged meeting occurred'' and that ''there is no photographic, immigration or other documentary evidence indicating Atta was in the Czech Republic during the time frame of the meeting.''

Two months later, in September 2002, CIA published it's assessment that ''evidence casts doubt'' on the possibility that the meeting had occurred and that ''The CIA and FBI have reviewed the reporting available so far and are unable to confirm that Atta met al-Ani in Prague.''

None of those assessments stopped the Vice President from continuing to suggest that the report of the meeting was evidence that Saddam's regime was linked to the 9/11 attackers. On September 8, 2002, in a ''Meet the Press'' interview the Vice President said that the CIA considered the report of the meeting ''credible,'' although, again, that same month the CIA said that there was evidence that ''cast doubt'' on it having occurred.

In January 2003, still before the war, the CIA published an assessment stating that, ''A CIA and FBI review of intelligence and open-source reporting leads us to question the information provided by the Czech service source who claimed that Atta met al-Ani.'' The January 2003 paper stated that CIA was ''increasingly skeptical that Atta traveled to Prague in 2001 or met with IIS officer al-Ani'' and that ''the most reliable reporting to date casts doubt on this possibility.''

But the Vice President continued to be undeterred by the CIA's skepticism. In September of 2003, 8 months after the CIA said that the most reliable reporting cast doubt on the possibility of a meeting between Atta and the Iraqi intelligence officer, Vice President CHENEY was still citing it as having possibly occurred.

On January 19, 2004, a full year after the CIA expressed serious doubts about the meeting and the fact that not a shred of evidence had been found to support the claim of a meeting, the Vice President told the Rocky Mountain News that the Atta meeting was ''the one that possibly tied the two [Saddam and the 9–11 attackers] together to 9/11.''

Six months later, on June 17, 2004, the Vice President was asked whether Iraq was involved in 9/11. The Vice President said ''We don't know. . . . We had one report, this was the famous report on the Czech intelligence service, and we've never been able to confirm it or to knock it down. We just don't know.'' The Vice President may not have ''known'' but the intelligence community sure as heck didn't believe—for a long time before the Vice President's statement—that the meeting took place.

Now the Senate Intelligence Committee's report says that ''Postwar findings . . . confirm that no such meeting occurred.''

But just last Sunday, before a nationally televised audience, the Vice President was asked whether the meeting occurred. The Vice President replied ''We don't know.''

The Intelligence Community does know. The Senate Intelligence Committee knows. The bipartisan report we released last week says ''Postwar findings . . . confirm that no such meeting occurred.''

The intelligence assessments contained in the Intelligence Committee's unclassified report are an indictment of the administration's continuing misleading attempts to link Saddam Hussein to al-Qaida. Portions of the report which have been kept from public view provide some of the clearest evidence of this administration's false statements and distortions.

Among what remains classified, and therefore covered up, includes deeply disturbing information. Much of the information redacted from pages 96, 97, and 98 of the public report does not jeopardize any intelligence sources or methods. The continued classification of that entire portion of the report reeks of a coverup by the administration. The Senate should not go along. The public is entitled to the full picture. Unless this report is further declassified, they won't.●

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, Senator LEVIN would be here, but he is, to say the least, tied up in the Armed Services Committee. He has been working with others to get a bipartisan measure to the floor so we can deal with the detainee problem that was brought to a head by the Supreme Court in the Hamdan decision.

I do wish to say that Senator LEVIN, during Senator ROCKEFELLER's incapacity, was a real stalwart working with us. He kept Senator ROCKEFELLER informed at his home on a daily basis as to what was going on in that committee. We very much appreciate Senator LEVIN's efforts. He is really overworked. He had his responsibilities for Armed Services, but he filled in very well for the distinguished Senator from West Virginia. We are glad Senator ROCKEFELLER is back and in better shape than when he left. He is stronger than ever, and we are very fortunate to be able to work on this side of the aisle with these two wonderful Senators.

Mr. President, I ask unanimous consent, notwithstanding rule XXII, that amendment No. 5005, to declassify certain text of the Report of the Select Committee on Intelligence on Post-War Findings about Iraq's weapons of mass destruction program, still be in order.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, first, let me clarify, this is not classification——

Mr. REID. Mr. President, is there an objection or not?

The PRESIDING OFFICER. Does the Senator from Missouri object?

Mr. ROBERTS. I object.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. REID. Thank you, Mr. President.

Mr. President, I regret the decision of the majority. I really do. There will be ample time for my friend from Missouri to speak. I wish to speak for a few more minutes. No matter the issue or the costs to the American people, I am sorry to say, partisanship is the order of the day in this Republican Senate. On such an important matter as this, I had hoped we could set aside our partisan differences and work together. This is not the case.

Our amendment will not be adopted, but it is not we who will pay the price. The real consequences will be paid by this institution and the American people.

The Senate has lost and the American people have lost once again because the Republicans have chosen to rubberstamp a bad decision by the Bush White House. They have put the administration's political standing ahead of this body's constitutional obligation and their own political interests ahead of the Nation's interests.

Again, the American people have lost because, again, they have been denied an opportunity to fully understand the facts behind President Bush's rush to war in Iraq. The decision to keep this revealing information from the public represents an abuse of classification authority by the Intelligence Committee. They have shielded the White House at the expense of America's security.

More than 3 years into the war in Iraq—longer than it took in World War II in the European theater—the principal underpinnings of the administration's case for war have been undermined, if not obliterated, by events on the ground and Friday's Intelligence Committee report.

We learned long ago that Saddam did not possess weapons of mass destruction, that he did not have stockpiles of chemical weapons, that he did not have stockpiles of biological weapons, and that he did not have nuclear capabilities.

Further, we know definitely from the Intelligence Committee report on Friday that another administration claim—that Saddam Hussein had ties with al-Qaida—is totally and completely unfounded. Of course, that does not stop this administration from repeating this charge. This next chart shows exactly what I am talking about. Look at what has been said in recent weeks. And the colloquy between the distinguished whip and the ranking member of the Intelligence Committee certainly showed this and will show it again.

Here is what was said:

> [Saddam Hussein] had relations with Zarqawi.

President Bush said this in August of this year, late August of this year.

The Senate Intelligence Committee report:

> [T]he Regime did not have a relationship with, harbor, or turn a blind eye toward Zarqawi.

This did not stop the President from saying ''[Saddam Hussein] had relations with Zarqawi.'' This is not a truthful statement.

On September 10, just last Sunday, the Vice President said, on ''Meet The Press,'' at 10:30 in the morning—he was asked the question by Tim Russert, ''And the meeting with Atta did not occur?''—keep in mind, this is after the report was made public Friday, 2 days before this—and the Vice President said, ''We don't know.''

The Senate Intelligence Committee report says no such meeting occurred. It is against this backdrop that I offered the Reid-Rockefeller-Levin amendment. We have an administration that continues to misstate the record and prevent the public from getting additional information that will shed further light on their misstatements. And ''misstatements'' is an understatement. We have a Republican-controlled Congress that actively aids and abets the administration in these pursuits.

Mr. President, we need a new direction. For too long, this Republican Congress has put its own security ahead of the security of the American people. Today is a good example of that, and it is too bad for the American people.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I rise in very strong opposition to Senator REID's amendment. The amendment simply directs the release of three pages in the classified version of the committee's phase II report on the accuracy of prewar intelligence assessments. I just think this amendment is an irresponsible, very dangerous way to seek the release of classified information and would set a very dangerous precedent.

To my knowledge, this action is unprecedented—the full Senate considering a bill that has nothing to do with the subject matter that is now being discussed and for the Senate not to declassify the information but to simply release classified information. I can probably conjure up a lot of other different attempts to do this and put the full Senate in the position of trying to release classified information.

While we are at war, what the Democratic leader is proposing is that the Congress unilaterally release information that our intelligence professionals—not the administration—that our intelligence professionals have determined to be protected from disclosure. Again, to my knowledge, the Senate has never taken such a drastic step.

Now, the Democratic leader's amendment is not about port security. In fact, the amendment will do nothing to enhance our security. The Senate should not adopt a precedent that allows one Senator to release classified information for whatever purpose that he or she would deem fit or for their own purposes.

Before I proceed any further, however, I must take issue with the manner in which the committee action on the matter of declassification has been characterized. Senator REID claims that a bipartisan majority of the Intelligence Committee voted to include in the report a statement that the committee disagreed with the administration's decision—I will repeat, the administration's decision—to classify certain portions of the report's findings and conclusions and said that classifying of this information is without justification.

In actuality it was the intelligence community, not the administration, that made the decision to protect the sensitive information contained in those three pages. That decision was based on the community's judgment—their judgment—I know Senators ROCKEFELLER, REID, and others may disagree with the community—concerning sources and methods.

More important, the committee actually classified the declassification this way, and I am quoting from our report:

> The committee recognizes that classification decisions are often difficult, requiring a careful balancing of our responsibility to protect the national security sources and methods with the need for the appropriate transparency of the intelligence activities.

That says it, and it is a very difficult task that one faces when you are approaching that kind of a challenge. Overall, the declassification process on this report—and I am quoting again—''was a substantial improvement over past efforts.''

That is what the committee said. I know that doesn't include the three pages that the Democratic leader, Senator ROCKEFELLER, and others would like to have released. It would still be classified, but it would be released in a bill that has nothing to do with intelligence matters. It is important to understand that this was a broad, bipartisan statement relating to a number of issues. Several Senators, many Senators, this Senator, had things they would have liked to have seen declassified. I worked overtime with the intelligence community in regard to the section on the Iraqi National Congress, to make sure that all of that report was in, all of the nuances and history would be declassified. Did I get everything I wanted? No, but I got a large portion of it.

The committee, however, made no specific reference to the issue that Senator REID brought to the floor today. There was that generic statement that I just said earlier. I am very familiar with the material that the Senator seeks to publicly release. I agree with the Intelligence Community that this material does contain sensitive information that would damage our intelligence sources and methods. I believe it is properly classified. I supported the report's statement that there are certain portions of the report that I believe should have been declassified. This is not one of them.

The information the Democratic leader wants to release is very sensitive. Mr. President, it is CIA operational traffic between an undercover overseas field station and CIA headquarters. This type of correspondence exists to permit the rapid informal flow of information and operational guidance needed to execute the mission of the CIA. It is not formal intelligence reporting. It is not a finished intelligence assessment drafted and coordinated to support policymakers, as has been indicated, and it is not routinely available or needed by anyone outside of the CIA. It must be handled with care.

Now, the next question, obviously, is why? Because the release of unevaluated information and CIA operational traffic would potentially damage the relationships with foreign country security services that work closely with the CIA. These foreign services do so with the expectation that their words and their actions will remain confidential. Additionally, declassification and public release of such correspondence would certainly impinge upon the speed and frankness that marks this correspondence. CIA's effectiveness is reduced when this happens.

For these reasons, and others that cannot be discussed publicly, this information should not be released. In short, this amendment would damage our sensitive sources and methods by recklessly disclosing properly classified information—again, not by the administration but by the intelligence community.

There is another way to do this. It is the proper way. A number of Members on both sides of the aisle, including this Senator, have issues concerning the declassification of these reports. They have agreed to work with the National Archives Public Interest Declassification Board, which is the proper way to do it, to review and, hopefully, further declassify some of the remaining redacted portions. This review process will look at all of the information that remains classified, not just the information singled out in Senator REID's amendment. I think this is a much more responsible approach.

I hope my colleagues will proceed in that manner. That is how we intend to proceed in the Intelligence Committee in regard to classification and declassification. I oppose this amendment, and I urge my colleagues to do the same.

I yield the floor.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ROBERTS. I have yielded the floor, but I will answer the Senator's question.

Mr. DURBIN. I ask the Senator because I am not on the committee, the Senate Intelligence Committee released a report last week, and he stands by the findings—at least the majority section. I asked the question of my Democratic colleague, Senator ROCKEFELLER, which I would ask of you. In that Senate Intelligence Committee report relative to the alleged meeting in Prague involving Mohammad Atta, the Senate Select Committee on Intelligence report says that

no such meeting occurred. I would like to ask the Senator from Kansas this: When the Vice President was asked on Sunday on ''Meet the Press'' by Mr. Russert the following question: ''And the meeting with Atta did not occur?'' he replied, ''We don't know,'' is that statement by the Vice President consistent with the report that you signed and issued to the public on the previous Friday?

Mr. ROBERTS. Mr. President, responding to the Senator from Illinois, that is a hypothetical. I did not watch ''Meet the Press.'' I have not studied the Vice President's comments other than what the Senator has said. My name is not Tony Snow.

I yield the floor.

Mr. ROCKEFELLER. Will the chairman yield for another question?

Mr. ROBERTS. Yes, I certainly yield to my friend and colleague.

Mr. ROCKEFELLER. Thank you very much. I am sure that the Senator is aware, having talked about the importance of the operational cables, the foreign service, and all these kinds of things that there are in our report—or in the report there are at least 30 specific references to operational cables. I am looking at page 31 of the prewar assessment part. CIA operational table, December 2002, the INC part. And there are two on page 68—two CIA cable references that are declassified. Is the Senator aware of that, that we have done this 30 times at least in our report?

Mr. ROBERTS. It is my understanding that the operational cables and the INC reports are two separate reports.

Mr. ROCKEFELLER. That is correct. But there are 30 in various parts of this that are operational cables specifically referred to, which are——

Mr. ROBERTS. Basically, the decision is made by General Hayden in a letter I would be delighted to read on the floor of the Senate, except that it is classified. He goes down specifically, exactly the comments I have made in a very generic way as to why he didn't declassify them. One report is INC and one is on the accuracy of the prewar assessments regarding weapons of mass destruction. I don't understand the point.

By the way, the general indicated that he will provide us a letter that is not classified outlining why the CIA Director feels very strongly that this should not be released.

Mr. ROCKEFELLER. What the CIA Director reportedly is saying, and the chairman of the full committee indicates, is that operational cables cannot be identified publicly. I am saying that they are identified 30 times in our two reports.

I direct my colleagues' attention to these 30 specific examples from the committee's two reports found on page 31 of the report on Post War Findings and pages 41, 43, 67, 68, 69, 70, 72, 76, 77, 78, 80, 82, 86, 87, 104, and 107 of the INC report.

Mr. ROBERTS. Mr. President, let me say to my friend from West Virginia, however, if I might, and my friend from Illinois, I don't speak for the Vice President. I ask the Senator to address that question to the Vice President. It is the information in the cable which is classified, not the format. I think the distinguished vice chairman is talking about the format in another report as opposed to the report that Senator REID quoted from, and it is that information—the cable which is classified, again, by the intelligence community. The Senator knows how hard we have both worked to get both reports declassified, to the extent that the American people could at least know what is going on and let the chips fall where they may. That does not include, however, a decision when the DNI and the Director of Central Intelligence insist that basically the information in the cable is classified.

I suppose that in future debates on any bill—and it could be port security or the farm bill or any bill that really doesn't pertain to intelligence—somebody can say, you know, I think there is a portion of some intelligence report, or any intelligence, that ought to be released even though it is classified. If we start doing this, if we go down the slippery slope with regard to having this body in executive session or otherwise decide to release classified information, we may as well replace ''E pluribus unum'' up there with the New York Times. It is a dangerous precedent.

There is a way to do that. We have a committee set up to go to the review board to see if we can get the most declassification possible. I agree with the Senator that too much is classified. That is a given. In this particular case, I think you have to rely on—or you should rely on the CIA Director and the Director of National Intelligence who say we are going to lose allied support.

The Senator knows that every week we get a courtesy call from various people who come in and who are our counterparts representing other countries. The bottom line is: Why can't you Americans keep quiet? So, consequently, I think that has an aspect of this. That has entered into, I think, part of the DNI's involvement here and decisionmaking, as well as the CIA Director's involvement. It is a canard of the first order to say it was the administration. It is not. It is the people who work with this every day.

Mr. ROCKEFELLER. I say to the chairman of the full committee, is the Senator aware that on page 31, the prewar assessment part of the report, there is a reference at the bottom, as I indicated, to the CIA operational cable of December 20, 2002. The Senator indicated the substance is not included, but I will read from the report:

> In addition, the Committee is examining the facts surrounding a December 20, 2002, cable from the relevant CIA station [this is all available to the American public today] which transmitted comments from a letter to the DCI and a discussion with the Chief of Station from the head of the foreign intelligence service that handled CURVE BALL. The cable noted that the head of the foreign intelligence service intelligence said experts from a number of foreign intelligence services had analyzed the CURVE BALL information and believed ''the information was plausible''—et cetera, et cetera.

In other words, the content is right here.

Mr. ROBERTS. Mr. President, I would just simply say to my distinguished friend and colleague, and to let everybody know who is listening to this debate, it is an interesting debate; it is a unique debate. It sets a precedent that I don't agree with. But simply because we are having this discussion doesn't mean we are not friends and colleagues and trying our very best to do a job under very difficult circumstances. But we do defer—or at least I think we should defer—to the intelligence professionals here who work with this material. If they make a mistake, we are all over them.

So we are at war. Let's let the Public Interest Declassification Board take a look at these reports. That was the suggestion by Senator WYDEN, picked up by Senator BOND, endorsed by myself and I think by the Senator from West Virginia. That is the proper way to go about it, not in this format, when we don't even have a bill that pertains to this and where we are setting a precedent where all of a sudden somebody can say: Oh, I think we should release even though it is classified.

Once we start down that road, I would say to my dear friend, we will never hear the end of it. We will have everything else declassified. We could conceivably, with all the furor in regards to the ABC documentary over the handling of 9/11, get into reports and get into Presidential findings and everything else. I just don't think that is appropriate. So there is a way to do it. Let's do it the proper way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I want to join in support of the chairman of the committee. It is important to realize this was not classified after the fact. This was classified information.

Now, we cannot say on the floor why this must remain classified. There are good and sufficient reasons for this, unlike some of the other cables which have been cited by the distinguished vice chairman of the committee, why this one should not be released.

We are witnessing something here that is very, very disturbing. The minority leader said that partisanship is the order of the day because we have objected to this unwarranted effort to misuse and abuse the intelligence process to score political points. This approach, regrettably, is something that has been used going back to 2003 when the Democratic staff in the Intelligence Committee laid out a partisan political game plan to use intelligence to try to beat President Bush and Vice

President CHENEY in 2004. They laid out a game plan and they stayed on it. They stayed on it through phase I. Phase I took 2 full years during which we exhaustively examined all of the documents, interviewed anybody that might have information on whether there was an intentional misleading or misrepresentation or pressure to change the estimates of the intelligence analysts and thwart the process.

We reviewed that process exhaustively. At the end of it, our bipartisan conclusion was there was no evidence of any pressure to change findings of the Intelligence Committee; there was no effort to mislead or misuse the information of the intelligence analysts or the intelligence estimates.

Regrettably, our Democratic colleagues were not satisfied with that. They wanted to continue the battle. So we initiated a second backward look into history that I think was a tremendous waste of time—phase II—to go back and say: Well, maybe we missed something. We are going to go back and look at the intelligence prior to the commencement of Operation Iraqi Freedom and see if we can't find some misstatement, some misstep by the administration.

Well, President Bush is not running again. I don't know whether they want to try to impeach him or whether they just want to try to score points in the 2006 election campaign. But whichever thing they are doing, it is a blatant partisan effort to take what should be the bipartisan, even nonpartisan, Intelligence Committee and drag it through the political mire of name-calling and rock-throwing.

I think it is time for us to hit the baloney button on this and say: We have wasted now 2 more years in the Intelligence Committee going back and trying to defeat or impeach President Bush, and we have not been successful.

Let me mention something about this. All of this hype is about things that were added—much of it is about things that were added as comments to one of the two reports that we reported out of the Intelligence Committee. The Democrats chose to make extraneous allegations now that will be considered in a later report that is yet to be finalized by the committee, to look into statements made by administration officials and Members of Congress, to see whether they were inaccurate or if there was a misuse of the intelligence estimates that were available at the time. I have looked at them and I have seen some significant overstepping in statements that were made. Regrettably, those statements primarily came from Members of Congress, some on the other side of the aisle, who went too far. They went beyond what the intelligence estimates said.

Now, we have focused in this process on what the final intelligence estimates were. There are thousands—perhaps hundreds of thousands—at least tens of thousands of operational cables. They bring in different points of view. There are 16 different intelligence agencies that may have points of view. Do those all come to the policymakers? Of course not. The intelligence community is responsible for coming up with a National Intelligence Estimate, a community assessment that goes to the policymakers, whether that is the President, the Vice President, or this body. We get the final product.

Now, any time you want to, you can go back and look at all kinds of operational cables. You can find cables at any one time saying it is daytime and others say it is night, a third one saying it is dusk, and a fourth one saying it is dawn. But that is not what is given to the policymakers.

We ask the Intelligence Committee to use their best judgment. And as far as this cable, which has been properly classified—and we will not go into why it is properly classified—this cable was one communication to the headquarters, and it was not the only one. There were many, many more.

Looking back on it, we have a much better idea of what went on. But the whole purpose of this, the whole purpose of our Democratic colleagues in phase II, was to find grounds to defeat President Bush in 2004 or perhaps impeach him in 2006 or maybe in 2007. Well, we have been looking in the rearview mirror far too long. We have been looking backwards. We spent 2 full years, the staff of the Intelligence Committee spent hundreds of hours, reviewed tens of thousands of documents, over 1,000 interviews, and they found that there was no misuse, no abuse of the intelligence process, no pressure on the analysts.

So we have a lot of things that we ought to be doing. We have a lot of work in the Intelligence Committee because we have to implement the recommendations of the 9/11 Commission. One of the key recommendations concerning intelligence in the 9/11 Commission report was to set up a national security post in the Department of Justice to coordinate between the FBI and the CIA. Regrettably, our colleagues on the other side of the aisle are holding up the appointment of the man who is supposed to fill that position to ensure that there is good information and good exchanges of information between the FBI as a law enforcement body and the intelligence agencies. And we have a lot of other things to do because there are still problems that we have to work out in the new structure of the Director of National Intelligence.

I have been asking plaintively why we cannot look at the continuing threats, do oversight and deal with some of the questions and problems we have. The answer is we have to complete phase II, and phase II has had, again, hundreds and hundreds of hours of work by our staff, work that could have been used on other points. Regrettably, what we are hearing on the floor and what we are seeing in some of the reports coming out of the Intelligence Committee is an effort to politicize intelligence. I deeply regret the fact that so much of this has been misquoted in the report issued, the largely Democratic report issued from the intelligence community. There was a tremendous amount of cherry-picking of selected pieces of information that did not come from the National Intelligence Estimates, to say that statements by some administration officials were not based on sound evidence.

We have learned a lot. We have learned a lot since we went into Iraq. We learned that our intelligence wasn't good, state-craft and trade-craft were not properly executed. Where there were dissenting views, those dissenting views were not conveyed up the line to the policymakers. That was us and that was the administration. And we are trying to change that. We are trying to make sure that dissenting views are explored, that policymakers know if there is a division.

Now, looking back with hindsight, we could say that many of the statements made here on the floor and made by the administration were not accurate. The question is, Were they based on the best National Intelligence Estimates at the time? We found out in phase I that they were.

The effort to do more declassification is very important. The chairman of the committee, Senator ROBERTS, Senator WYDEN and I and the vice chairman have asked the Public Interest Declassification Board and the National Archives to look at and investigate what has been classified to see if more of it could be declassified. Because I, as most of my colleagues, want to have as much that is not sensitive or revealing sources and methods to be disclosed, so we can evaluate where we stand. But for this one, I understand full well the reason it is classified, and I am not going to say why. But when we disclose intelligence, we risk sources. Unfortunately, when we prosecuted the 1993 World Trade Center bombers, the prosecution had to turn over a list of 260 names of potential suspects. They turned it over in that court proceeding and, subsequently, several years later in a raid in an African nation they found in the al-Qaida playbook the names of all these people. When we disclose who we are talking to, their names get disclosed. And regrettably, some of them have been murdered. But it is not just the individual source who is at risk.

We have repeatedly chipped away at the confidence of our allies to work with us in the war on terror by disclosing sources and methods over the years. Friendly services are saying—and CIA leaders have told me directly—that our allies in the field are rethinking if and to what extent they can work with us because the Americans cannot keep a secret. This effort to declassify operational traffic involving overseas entities could devastate the confidence of our allies in cooperating

with American intelligence and obliterate the confidence of American intelligence officials in the United States Congress, who will be taking their discrete communications among themselves and broadcasting it to the entire world.

I can't think right now of a single more devastating action that will reverse what we have been trying to fix in the U.S. intelligence community than this, to say that if you share anything within the intelligence community or even with the Intelligence Committee, it is going to get out. People don't want to share the most sensitive intelligence when it could get out and not only disclose the information, but put at risk the sources and methods by which it is being obtained.

For that reason, I regret that the minority leader has attempted to make a partisan battle out of something that did not have to do with the National Intelligence Estimate. It was not a final product of the Intelligence Committee. Therefore, it had no place in the effort to determine what kind of information got to the top policymakers in the administration.

There were lots of conflicting pieces of information going through the chain. What we properly looked at was how those were handled and what they gave to policymakers. There is no evidence, no evidence, none, zero, zip, none—that this evidence was ever shared with the top policymakers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I had the honor to serve on the Senate intelligence subcommittee for 4 years. It is an awesome assignment. That committee can suck up more time from a Senator's schedule than any other assignment I can think of. I easily spent half of my time in committee in the Senate Intelligence Committee room, and I am almost certain that I didn't attend half of their meetings. There were so many meetings. The information is voluminous. It is cloaked in initials and references which take the longest time to understand. I will honestly tell you by the end of my 4 years I had come to understand more and more about the intelligence community and come to understand more and more about what to look for and listen for. So my hat is off to all of my colleagues in the Senate, Democrat and Republican, who serve on this committee. It is a massive assignment, and they have a massive responsibility—to measure the efficacy of our intelligence operations as well as their reports.

I can't think of another committee in Congress—I might say the Armed Services Committee is close—that has such an awesome responsibility. I want to preface my remarks by saluting all of the members of the Intelligence Committee for giving their time to this effort.

But I will tell you, there is no more frustrating assignment in Congress either because you will sit there for hour after weary hour, day after weary day, week after week, and month after month listening to all of this information, being sworn not to repeat a word of it—imagine. The only questions you can ask are in the room. The only statements you can make are in the room. It is classified information. We wouldn't want to risk the life of a single American or ally or someone helping our cause, so we are extra careful.

I lived through this as we made the momentous and historic decision 4 years ago to go to war in Iraq. After sitting there for months, listening to the experts within the Bush administration talk about what they knew about Iraq, I drew my own conclusions from what they said. And I would walk outside that committee room stunned to hear the public statements that were being made in direct contradiction.

Elected officials and appointed officials in this administration were saying things about Iraq and its threat to the United States which were inconsistent with the information being given to us in the Senate Intelligence Committee. Yet, being sworn to secrecy, I could not say a word. It was a frustrating situation.

I reached the conclusion that the information within the room was more compelling than the headlines outside the room. I joined 22 of my colleagues in the Senate in voting against the authorization to go to war. And our subsequent investigation found that those inside the room knew a lot more than the politicians outside the room because we found no weapons of mass destruction, we found no nuclear weapons, we found no connection between al-Qaida the terrorist group responsible for 9/11—and Saddam Hussein. We found no evidence to support the notion that somehow nuclear materials were coming in from Africa to Iraq.

Despite statements made by the President in the State of the Union Address, none of that was found. So we knew, after our invasion, after careful investigation, that the statements made to the American people were wrong. The American people were misled. The American people were deceived. So the Senate Intelligence Committee set out to try to get to the bottom of it.

The first phase of its investigation was to find out what happened at the intelligence agencies. If they had conflicting information, how did this occur? I happened to be on the committee when this report was made. It was an important disclosure that, in fact, our intelligence agencies had let us down. Their information was not reliable, was not sound, and many times misled a lot of people. That is a fact.

But phase II of this investigation by the Senate Intelligence Committee was going to really talk about whether these public disclosures were made and whether they, in fact, misled the American people. It took almost 2½ years for that to be prepared, 2½ years, despite repeated promises by the chairman of the Senate Intelligence Committee that it would be a priority item and be taken care of. It is unfortunate that it took so long. It is unfortunate that the Democratic leader, Senator REID of Nevada, had to threaten a closed session of the Senate to force this issue, to finally come up with the phase II report.

But it is a good thing he did because the phase II report, which was publicized last week for all of America, in unclassified form, in public form, made it clear. The report concluded the administration relied on known fabricators and liars, including the infamous Ahmed Chalabi and his Iraqi National Congress to justify the war. Chalabi and others fed the administration consistently false information about Iraqi weapons of mass destruction and nuclear weapons.

Members of the intelligence community had warned that this Ahmed Chalabi, the darling of many people in this administration, was, in fact, a fraud. Despite this, despite this fact, this man was invited to sit in an honored place at the President's State of the Union Address.

He was unreliable. His organization was not only not trustworthy, it was penetrated by the Iranians, who sadly do not share many, if any, of our values.

But the administration still eagerly embraced this source, this unreliable, untrustworthy source. Some of the information that he gave found its way into one of the most important documents our Government issues, the National Intelligence Estimate on Iraq. That is a compilation of all the gathered intelligence from all the different reliable sources of our Government and other places, to try to have an accurate picture of the situation before a military invasion, before we risk the first American life. And the lies and fabrications and distortions of this man were part of that National Intelligence Estimate.

In fact, some of his testimony found its way into statements made by our former Secretary of State Colin Powell before the United Nations to try to justify to the world our invasion. That presentation marked a low point in what I consider an otherwise highly distinguished career of service by General Powell.

The committee report which we saw last week spells out the misinformation from Chalabi and others that was used to justify the war. It shows clearly there was no connection, none, between Saddam Hussein and al-Qaida. That is now a bipartisan conclusion. It is published. It has been verified from intelligence sources. The debate over that question should now officially end.

Mr. BOND. Mr. President, could I ask the distinguished Senator from Illinois a question? On what page is there a bipartisan statement that there was no connection between al-Qaida and Iraq?

Mr. DURBIN. I will get the page reference and give it to you in a moment.

Mr. BOND. Because we also found in there a reference that there was a meeting and two contacts.

Mr. DURBIN. Mr. President, if I might? I do control the time?

The ACTING PRESIDENT pro tempore. The Senator controls the time.

Mr. DURBIN. I will get the page reference for the Senator. I would like to continue my remarks, if I may.

The bipartisan Senate Intelligence Committee reached these conclusions but this report, especially the public version, doesn't go as far as it might. As the vice chairman, the distinguished Senator from West Virginia, and other colleagues wrote in their additional views:

> The committee's phase II investigation has been significantly limited by the majority's refusal to examine issues and documents relevant to our inquiry when the issues and documents came close to the White House.

The point that is being made today, and has been debated back and forth, is how much of this document that has not been released to the public, should be released.

As you can see, several pages, many pages, are blacked out. Information is blacked out. The official word is ''redacted.'' So this debate has gone back and forth about how much should have been redacted, how much should have been released. I will not get into the specifics because I wouldn't want to disclose anything that I should not. But I will say the Senator from Nevada asked by his motion, his amendment, that we consider opening at least one or two pages of this report that reflect directly on statements made by the Bush administration.

The other side, Senator BOND and others, have suggested that we should not ask these questions, that we are looking in the rearview mirror about things that happened a long time ago.

I view this quite a bit differently than my colleague from Missouri. What we are talking about are statements and justifications made by this administration to justify the invasion of a country, to justify a war. I believe the greatest breach of trust in a democracy is when the leaders mislead the people, and the worst of these is when the people are misled into a war. I can think of nothing worse.

To ask specific questions about the nature of how we were misled into this war is certainly not ancient history, unworthy of comment or review. It goes to the heart of who we are and what we are as a democracy.

So many of us listened, startled by statements made by Vice President CHENEY on ''Meet The Press'' last Sunday. Scarcely 2 days after the report of the Senate Select Committee on Intelligence, Vice President CHENEY and other members of the administration made statements directly contradicted by the Senate Select Committee on Intelligence report that had just been released. Let me be specific.

First, if I could, the chart with the ''Meet the Press'' show, Mr. Russert asked the Vice President, '' . . . and the meeting with Atta did not occur?''

Vice President CHENEY said, ''We don't know.''

This was an important meeting. It was a meeting that was suggested had occurred by the Vice President and others involving Mohamed Atta, the leader of the 19 who were responsible for the attack on September 11, a meeting which supposedly occurred in Prague. Mr. Russert is asking: Did it or did it not occur?

Vice President CHENEY says, ''We don't know.'' He said that as of last Sunday.

The Senate Select Committee on Intelligence report says, ''No such meeting occurred.''

That is not the only reference. Secretary of State Condoleezza Rice, ''CNN Late Edition,'' same day, said:

> We know that Zarqawi . . . ran a poisonous network in Iraq.

The Senate Intelligence Committee report says the following, ''the regime''—in Iraq—''did not have a relationship with, harbor, or turn a blind eye towards Zarqawi.''

Then, just yesterday or the day before, September 12, Tony Snow the President's Press Secretary, said ''there was a relationship between Saddam and Zarqawi,'' directly contradicting this report.

This, sadly, is a pattern which is unacceptable. For the leaders in this administration—the Vice President, the Secretary of State, and the President's Press Secretary—to continue to mislead the American people about facts they now know are not true is unacceptable. If we are going to move forward in this country effectively, on a bipartisan basis, it has to be based on truth and honesty. As members of this administration continue to misrepresent the justification for the war on Iraq and the circumstances in Iraq, is it any wonder that a majority of the American people are now raising serious questions about their competence and judgment when it comes to these important foreign policy decisions? That is the reason for this moment on the floor today, this time that we have taken from the business of the Senate, because it really goes to the heart of the issue here. It goes to the heart of the issue which the American people are consumed with as they realize that 2,679 of our brave soldiers have now died in Iraq and 19,000 are seriously injured.

This morning, Senator OBAMA and I had a town meeting. We do each Thursday morning here. And one of those soldiers, blinded and severely injured in Iraq, came to visit with us. He was there with his wonderful and brave wife who stood by his side, and other soldiers, doing his best to get back on his feet and put his life back together.

That is what this debate is about. This isn't a waste of time over politics. It is a question about the foreign policy of this Nation, the protection of this Nation, and most importantly whether it is time to move in a new direction.

The Vice President of the United States said in the course of his appearance on ''Meet the Press'' when he was asked about the invasion of Iraq:

> It was the right thing to do, and if we had to do it over again we would do exactly the same thing.

Clearly, no lessons have been learned by this administration because we sent too few troops into a situation which was not clearly planned nor clearly explained to the American people. We sent them without the necessary equipment they needed to protect themselves. We shortchanged them in terms of the number of forces, equipment, and training they needed—and lives were lost.

We now know, as well, that the justification for the war did not turn out to be true. There were no weapons of mass destruction, and we are there with 145,000 of our soldiers and marines risking their lives for America, even as we stand in the safety of this country today.

I might say to the Senator from Missouri that I have just been handed by my staff a reference which he might want to consider: page 63 of the report which he signed. Page 63 said Saddam has ''viewed Islamic extremists operating inside of Iraq as a threat.''

That statement is inconsistent with the conspiracy theory heard through some media channels that somehow Saddam Hussein and al-Qaida were in concert working toward the devastation which occurred on 9/11.

I would suggest that there is more which I could go into and don't have the time at this moment. But the report makes it clear—and most everyone who has taken an objective view of this makes it clear—that to continue to suggest this relationship with al-Qaida is just plain wrong.

I am going to conclude because I think this is an important debate and one which should continue. It is one that continues in households across America, not just in the homes of families of soldiers, those anxious parents and loved ones praying for the safety of our men and women in uniform, but also in every other home across America that truly wants to be safe and wants to make sure that our men and women in uniform are protected, that we do everything in our power to make this a safe nation.

We have offered amendments on the Senate floor to put the 9/11 recommendations into law so we will be safe at home. Sadly, they were rejected on partisan rollcall. But I can only hope that soon we will return to the bipartisan spirit of 5 years ago when we worked together. It would be in the best interests of our country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Illinois for calling my attention to page 63. I don't see the information there. It does, on page 65, talk about George Tenet saying the intelligence indicates that the two sides at various points discussed safe haven, training, and reciprocal nonaggression. And in the report there are three instances of contact cited between al-Qaida and the Iraqi Government.

I also would just follow up on my statement that some of us in this body were misled by the inaccurate intelligence estimates presented to us by the community. For example, I see this classic statement:

When you look at what Saddam Hussein has had at his disposal in terms of chemical, biological and perhaps even nuclear weapons, we cannot ignore the threat that he poses to the region and the fact that he has fomented terrorism throughout his reign.

That was from Senator DICK DURBIN on ''CNN Larry King Live,'' on December 21, 2001.

But I think we want to get back to the port security bill. I have been asked by Leader FRIST to pass along from a letter just received from CIA Director GEN Michael Hayden.

General Hayden said:

The amendment offered by Senator REID, seeks to declassify and make public CIA internal communications that include personal commentary and judgment. We hold these kinds of cables to the highest standard of secrecy within our organization, and would only share them outside of CIA under certain specific conditions.

I provided this information over the objection of many of my officers, after receiving assurances from the Chairman that it would be treated as highly sensitive material. That is why I am so disappointed that this amendment is being considered at this time. In addition, I am deeply disappointed that some have already characterized the cable's contents in the media.

He also talks about the information coming in from Chiefs of Station.

He said:

No COS has ever written one of these cables expecting it to be made public, and no COS will use his channel again without fearing it will become public, if Congress demands declassification.

He also said:

Further . . . it contains pre-decisional executive branch information.

Finally, he said:

Lastly, a critical way in which our Nation gathers intelligence is with the support of our liaison partners. If these partners fear that their support for CIA activities will be made public, it will make them reluctant to cooperate with my agency. This will, I assure you, curtail the intelligence made available to the CIA and could create gaps in the final intelligence made available to policymakers. I ask your help in defeating this effort in the Senate, and for your help in protecting both CIA's sources and methods as well as our ability to work cooperatively with the Oversight Committees.

I yield the floor.

The ACT1NG PRESIDENT pro tempore. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to discuss the Port Security Act of 2006, the underlying bill we are discussing in the Senate here this afternoon.

I want to start by commending the steadfast dedication of my colleague, Senator MURRAY, from the State of Washington, and Senator COLLINS for their hard work in moving this legislation through the Senate, and certainly Senator STEVENS and INOUYE for their leadership on this issue.

I want to say that Senator MURRAY has done great work both here in Washington, DC, and at home in the State of Washington to close security gaps. And I have enjoyed working with her to make sure that our ports in Washington State are more secure.

Port security ought not to be an afterthought or an extra security measure when we are talking about securing our borders or securing our communities. It should be one of our key priorities. Washington State knows how critical these ports are to our economy and to our way of life. There are ports all along our shore lines from Seattle to Vancouver, Bellingham, and other cities. They create jobs. They drive economic growth for the entire northwest. And in the Seattle-Tacoma area, the ports are the third-busiest in the Nation, with over 11,000 containers passing through Seattle and Tacoma daily.

That's more than 4 million containers a year. That is more than 100,000 workers in the Puget Sound area including longshoremen and freight forwarders and others who depend on the ports of Seattle and Tacoma for their jobs. And certainly they want to see them safe and secure. Last year the ports of Seattle and Tacoma combined to move more than $45 billion in revenue from imports and $12 billion in U.S. exports. But these are not just the homes—these ports—to international trade.

Puget Sound is also the home to America's largest ferry transportation system, with more than 26 million passengers and 11 million vehicles traveling throughout Puget Sound and to and from British Colombia. Despite these numbers of trade and economic development and of passenger movement and cargo container movement, there are still clear vulnerabilities.

For too long, too little has been done, I believe, to protect our ports and to improve the protections on our ferries. This bill will take a step forward on both of those issues. Right now we are inspecting the contents of less than 3 percent of the more than 6 million containers entering our country each year. Most of this inspection occurs after the container is off loaded and sitting on the docks of a U.S. port. The reality is that by then it is too late. And so working on point-of-origin issues is very important as my colleagues, Senators MURRAY and COLLINS understand.

The Permanent Subcommittee on Investigations, which Senators COLEMAN and LEVIN lead, issued a report in March that stated we are only inspecting 0.34 percent of all containers destined for the United States overseas and of those that were considered high-risk containers, we are only inspecting about 17.5 percent.

Given this low inspection rate, it is really no surprise that each year we find illegal immigrants stowed away on cargo containers destined for the United States. This spring, 22 Chinese stowaways were apprehended at the Port of Seattle. So if illegal immigrants know that they have a good shot at entering the United States in cargo containers because of our failure to inspect the contents, it ought to be no great leap of imagination to expect that terrorist organizations might also have the same idea. In fact, the C.I.A. has reported that a weapon of mass destruction is most likely to be delivered in the United States by a cargo container entering a seaport. But the problems extend beyond our failure to inspect cargo.

We have no standards for container locks and seals. We have inadequate funding for critical research and development of screening technology. We have no international security standard for conducting terror and background checks on port workers. That is why, again, the point-of-origin issue and working internationally is so important.

The accuracy of cargo manifest information submitted to customs is also a major problem, especially when we're using this information as part of a system—the Automated Targeting System or ATS—to identify high-risk cargo. We recently, at the Port of Seattle had this made clear to us. That is when in August, Customs identified two suspicious containers and set them aside for inspection. They thought that there were things contained in there that bomb-sniffing dogs detected were explosives. Thankfully for us in the Puget Sound area, it was a false alarm.

But it made all too clear the potential for disasters at our ports with today's standards. With the high risk of terrorists placing weapons of mass destruction in containers during transit, we need to begin securing container doors with tamper-proof locks and seals, instead of what we are doing today, which sometimes can often be just a 10-cent zip lock or the equivalent.

Many containers are filled with cargo from more than one source, which also makes this transfer and tracking challenging. In fact, during a hearing before the Senate Finance Committee, the CEO of the Port of Seattle, Mic Dinsmore, put it this way—quote—''as ships make its way to the U.S., it might well stop at several other ports. Throughout this process, at least seven different handlers may have access to the containers before it even arrives in the United States. Every stage in the supply change creates additional hurdles for monitoring this cargo.''

That's why we need to make improvements as this legislation does, to

improve the systems that hold the shippers accountable for accurate information like is required under the Customs-Trade Partnership Against Terrorism. C-TPAT is a good start. But as has been reported, there is more to be done, particularly validating the participants of this program. Senator MURRAY has been a leader in this area in working with Operation Safe Commerce, a program to identify ways to better secure the supply chain, including cargo containers. But these threats are real, and we can't wait any longer.

This legislation makes important critical improvements to the current regime. It authorizes $400 million for port security grants and it makes improvements to the Container Security Initiative, a program that is important right now for inspecting cargo, as I said, at the point of origin; and with the Customs-Trade Partnership Against Terrorism program, the public-private initiative that secures that supply chain.

This legislation directs the department to establish minimum standards for container security, and it authorizes the Department of Homeland Security to accelerate the deployment of radiation detection equipment. It also authorizes the testing of systems to improve scanning of containers overseas. To make this possible, I was proud to cosponsor this legislation earlier this summer in directing the Department of Homeland Security to conduct a pilot program where we have seen at the Port of Hong Kong good result from this technology that I think will help us move closer to our goal for 100 percent container inspection.

Now, this pilot program is just initiated at three foreign ports, and we will need to work hard at expanding it. This underlying bill also includes language to us in improving the screening for our ferry systems in Washington state, particularly those coming into the United States from Canada. Right now some ferry runs from Canada aren't being screened for explosives before departing for the United States. In an F.B.I. Report in 2004, the National Threat Assessment named vehicle-borne explosives as the type of weapon that al-Qaida would most likely use for a maritime attack. The lack of explosives screening not just impacts the passengers on board the ferries, but those communities and coastal regions where this ferry transportation exists. That's why this inclusion in the underlying bill is so important for us in the northwest.

To build on many of the other critical provisions in this bill, there are two amendments that I offered that were included. The first would improve inspection of foreign ports, the point of origin for cargo entering the United States. The U.S. has an obligation to ensure that our international strict security standards and a way to enforce them.

We're only going to be as safe as the inspection process that our foreign partners implement. The Coast Guard is authorized under the Maritime Transportation Security Act to conduct inspections of foreign countries and their ports to validate their compliance with the International Ship and Port Facility Security code, ISPS.

Currently the Coast Guard only has 34 inspectors as part of the agency's international port security program to review the more than 140 countries that are shipping cargo to the United States. To date the Coast Guard has only been able to inspect ports in about 59 out of those 140 countries. We need to reinforce this relationship. We need to maintain a standard with these foreign governments, these ports, these private sector entities to ensure that we have adequate intelligence and security measures and that they are in place before these ships heave and are destined for the United States. That is why I am proud to sponsor an amendment with Senator SNOWE, the chairwoman of the Coast Guard Subcommittee that would authorize the Coast Guard to add additional personnel to complete the inspection of foreign ports by the end of 2008 and maintain a 2-year cycle for reinspection. Currently the Coast Guard maintains a reinspection cycle about every 4 to 5 years, so this basic step, I believe, is critical to gathering adequate information—gathering adequate information about cargo entering the United States before it reaches our ports. It also helps us identify countries who are not compliant with International standards and helps us identify those high-risk vessels and cargoes. But we have to also improve at home our ability to scan for those containers that are going to be loaded onto rail cars.

So the second amendment, that I am glad that the managers of this underlying package have accepted, directs the Department of Homeland Security to establish an Intermodal Rail Radiation Detection Test Center and test technology that can scan containers on rail for radiation. Now, currently, the U.S. Customs officials do not scan containers that are loaded directly on to rail. For us in the Pacific Northwest, this is an important issue since so much of our cargo comes through our Ports and onto rail systems and is then moved throughout the United States. Though scanning containers transported on rail cars does present a formidable challenge, we must step up to that challenge.

The 2006 Government Accountability Office report on combatting nuclear smuggling stated ''to speed seaport development and to help ensure that future rail deployments proceed on time, we recommend that the Secretary of Homeland Security in cooperation with the Commissioner of C.B.P. develop procedures for effectively screening rail containers and implementing new technologies to facilitate this.''

Just a few weeks ago, I had a chance to tour the Pacific Northwest National Laboratory in Richland, WA, where they are teeming with customs and—teaming with customs and border protection to develop and test this technology to scan rail transport containers for radiation. Many container ports and transport—container ports and transport companies are moving to on-dock rail systems to reduce the costs and improve efficiency and lessen the Environmental impact of using trucks. So more and more of the container business is moving towards rail. For example, the Port at Tacoma helped lead the way in this transition as the first port in the U.S. to develop an on-dock intermodal rail yard. So today, approximately 72 percent of the cargo arriving at the Port of Tacoma is transported by rail directly from the terminal. So we want to make sure that there is a screening process available that will help us make sure that the United States in cargo rail-transported shipments are more secure. This underlying language in the bill will help us get the right technology test done and the right deployment of the technology.

Since 9/11 we have taken many steps to enhance security infrastructure of our seaports, but further improvements can and must be made. We know the challenges that are facing us, and we know what would happen if a terrorist struck our ports. Millions in my State live, work, and commute around Puget Sound. Many are mere yards from the port, making it a very devastating impact on the populace of Puget Sound. If such an environmental disaster would happen. And the economic impact, I should say, would also be disastrous. We saw in 2002, when the west coast had a closure of a few of our ports, it cost our national economy $1 billion a day. So the Ports of Seattle, Tacoma, Vancouver, Everett and our other major ports are gateways to supplies and products corning to the entire Nation through the State of Washington. Without them, everything from jobs, productivity and economic growth slows down or stops. By making a real commitment to improving security at our ports and the cargoes that move throughout our country, we will have a more secure Nation. We will create jobs and a faster economic growth for the entire country. So I want to commend the managers of this legislation for their commitment in moving this legislation at this time and continuing to push on this difficult task. But I also want to remind my colleagues, as one port security expert said, Stephen Flynn of the Council on Foreign Relations—quote—''We are living on borrowed time.''—So I believe the measures in this Port Security legislation are long overdue, and I hope my colleagues work to see it passed this afternoon.

Mr. President, I yield the floor.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 4970, AS AMENDED BY AMENDMENT NO. 5007; 4942, AS MODIFIED; 4952, AS MODIFIED; 4961, AS MODIFIED; 4966, AS MODIFIED; 4997, AS MODIFIED; AND 4983, AS MODIFIED, EN BLOC

Mr. STEVENS. Mr. President, I have another so-called managers' package, a series of amendments that have been cleared by the managers on both sides. There are three committees involved. They have been cleared on a bipartisan basis.

I will send to the desk the amendments and I will present them at this time.

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

Mr. STEVENS. I have the DeMint amendment No. 4970, as amended by amendment No. 5007. It is at the desk. I have the Lautenberg amendment No. 4942, as modified; the Vitter amendment No. 4952, as modified; the Vitter amendment No. 4961, as modified; the Rockefeller amendment No. 4966, as modified; the Menendez amendment No. 4997, as modified; and the Schumer amendment No. 4983, as modified.

This is a package that has been cleared totally. That is my understanding. I ask the amendments be presented en bloc, they be considered en bloc, they be agreed to en bloc, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. We will not object on this side.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 4970

(Purpose: To prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes)

At the appropriate place, insert the following:

SEC. ____. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking ''decides that the individual poses a security risk under subsection (c)'' and inserting ''determines under subsection (c) that the individual poses a security risk''; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

''(1) Except as provided under paragraph (2), an individual shall be deemed to pose a security risk under this section if the Secretary determines that the individual—

''(A) has been convicted (or has been found not guilty by reason of insanity) of—

''(i) destruction of a vessel or maritime facility under section 2291 of title 18;

''(ii) violence against maritime navigation under section 2280 of title 18;

''(iii) forgery of certificates of documentation, falsified vessel identification, or other vessel documentation violation under section 12507 or 12122 of this title;

''(iv) interference with maritime commerce under section 2282A of title 18;

''(v) improper transportation of a hazardous material under section 46312 of title 49;

''(vi) piracy or privateering under chapter 81 of title 18;

''(vii) firing or tampering with vessels under section 2275 of title 18;

''(viii) carrying a dangerous weapon or explosive aboard a vessel under section 2277 of title 18;

''(ix) failure to heave to, obstruction of boarding, or providing false information under section 2237 of title 18;

''(x) imparting or conveying false information under section 2292 of title 18;

''(xi) entry by false pretense to any seaport under section 1036 of title 18;

''(xii) murder;

''(xiii) assault with intent to murder;

''(xiv) espionage;

''(xv) sedition;

''(xvi) kidnapping or hostage taking;

''(xvii) treason;

''(xviii) rape or aggravated sexual abuse;

''(xix) unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon;

''(xx) extortion;

''(xxi) armed or felony unarmed robbery;

''(xxii) distribution of, or intent to distribute, a controlled substance;

''(xxiii) felony arson;

''(xxiv) a felony involving a threat;

''(xxv) a felony involving illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, willful destruction of property, importation or manufacture of a controlled substance, burglary, theft, dishonesty, fraud, misrepresentation, possession or distribution of stolen property, aggravated assault, or bribery; or

''(xxvi) conspiracy or attempt to commit any of the criminal acts listed in this subparagraph;

''(B) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

''(C) otherwise poses a terrorism security risk to the United States.''.

AMENDMENT NO. 5007

(Purpose: To prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes)

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking ''decides that the individual poses a security risk under subsection (c)'' and inserting ''determines under subsection (c) that the individual poses a security risk''; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

''(1) DISQUALIFICATIONS.—

''(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

''(i) Espionage or conspiracy to commit espionage.

''(ii) Sedition or conspiracy to commit sedition.

''(iii) Treason or conspiracy to commit treason.

''(iv) A crime listed in chapter 113B of title 18, a comparable State law, or conspiracy to commit such crime.

''(v) A crime involving a transportation security incident. In this clause, a transportation security incident—

''(I) is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area (as defined in section 70101 of title 46); and

''(II) does not include a work stoppage or other nonviolent employee-related action, resulting from an employer-employee dispute.

''(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law;.

''(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or incendiary device (as defined in section 232(5) of title 18, explosive materials (as defined in section 841(c) of title 18), or a destructive device (as defined in 921(a)(4) of title 18).

''(viii) Murder.

''(ix) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (viii).

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the offenses listed in clauses (iv) and (viii).

''(xi) Any other felony that the Secretary determines to be a permanently disqualifying criminal offense.

''(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such or card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such a card, of any of the following felonies:

''(i) Assault with intent to murder.

''(ii) Kidnapping or hostage taking.

''(iii) Rape or aggravated sexual abuse.

''(iv) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes, but is not limited to—

''(I) firearms (as defined in section 921(a)(3) of title 18); and

''(II) items contained on the United States Munitions Import List under 447.21 of title 27 Code of Federal Regulations.

''(v) Extortion.

''(vi) Dishonesty, fraud, or misrepresentation, including identity fraud.

''(vii) Bribery.

''(viii) Smuggling.

''(ix) Immigration violations.

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961, et seq.) or a comparable State law, other than a violation listed in subparagraph (A)(x).

''(xi) Robbery.

''(xii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

''(xiii) Arson.

''(xiv) Conspiracy or attempt to commit any of the crimes in this subparagraph.

''(xv) Any other felony that the Secretary determines to be a disqualifying criminal offense under this subparagraph.

''(C) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) and (B), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

''(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

''(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

''(II) for causing a severe transportation security incident;

''(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

''(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

''(iv) otherwise poses a terrorism security risk to the United States.''.

AMENDMENT NO. 4942, AS MODIFIED

At the appropriate place, insert the following:

SEC. ———. THREAT ASSESSMENT SCREENING OF PORT TRUCK DRIVERS.

Subject to the availability of appropriations, within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall implement a threat assessment screening, including name-based checks against terrorist watch lists and immigration status check, for all port truck drivers that is the same as the threat assessment screening required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (Federal Register, Vol. 71, No. 82, Friday, April 28, 2006).

AMENDMENT NO. 4952, AS MODIFIED

On page 14, line 22, after the period, insert the following: ''The regulations shall include a background check process to enable newly hired workers to begin working unless the Secretary makes an initial determination that the worker poses a security risk. Such process shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government.''.

AMENDMENT NO. 4961, AS MODIFIED

In the appropriate place insert the following: BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by inserting '', energy'' between ''national economic'' and ''and strategic defense concerns.''.

AMENDMENT NO. 4966, AS MODIFIED

At the appropriate place insert the following:

SEC. ———. AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING PROGRAM.

(a) IMPLEMENTATION STATUS.—Within 180 days after the date of enactment of this Act, the Comptroller General shall assess the Department of Homeland Security's aircraft charter customer and lessee prescreening process mandated by section 44903(j)(2) of title 49, United States Code, and report on the status of the program, its implementation, and its use by the general aviation charter and rental community and report the findings, conclusions, and recommendations, if any, of such assessment to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security.

AMENDMENT NO. 4997, AS MODIFIED

On page 18, between lines 22 and 23, insert the following:

(b) RISK MANAGEMENT PLAN.—

time Security Committee shall develop a Port Wide Risk Management Plan that includes—

(A) security goals and objectives, supported by a risk assessment and an evaluation of alternatives;

(B) a management selection process; and

(C) active monitoring to measure effectiveness.

(2) RISK ASSESSMENT TOOL.—The Secretary of the Department in which the Coast Guard is operating shall make available, and Area Maritime Security Committees shall use, a risk assessment tool that uses standardized risk criteria, such as the Maritime Security Risk Assessment Tool used by the Coast Guard, to develop the Port Wide Risk Management Plan.

On page 19, line 16, strike ''and''.

On page 19, line 18, strike the period at the end and insert ''; and''.

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

''the Port Security Improvement Act of 2006.

On page 19, strike line 24 and insert the following:

for Preparedness, may require.

''(h) REPORTS.—Not later than 180 days after the date of the enactment of the Port Security Improvement Act of 2006, the Secretary, acting through the Commandant of the Coast Guard, shall submit a report to Congress, in a secure format, describing the methodology used to allocate port security grant funds on the basis of risk.''.

AMENDMENT NO. 4983, AS MODIFIED

(Purpose: To carry out an ''Apollo Project'' to research and develop new technology for the accurate and effective detection and prevention of nuclear and radiological threats to United States seaports)

On page 20, between lines 8 and 9, insert the following:

(d) CONTAINER SCANNING TECHNOLOGY GRANT PROGRAM.—

(1) NUCLEAR AND RADIOLOGICAL DETECTION DEVICES.—Section 70107(m)(1)(C) of title 46, United States Code, as redesignated by subsection (b), is amended by inserting '', underwater or water surface devices, devices that can be mounted on cranes and straddle cars used to move cargo within ports, and scanning and imaging technology'' before the semicolon at the end.

(3) USE OF FUNDS.—Amounts appropriated pursuant to this section shall be used for grants to be awarded in a competitive process to public or private entities for the purpose of researching and developing nuclear and radiological detection equipment described in section 70107(m)(1)(C) of title 46, United States Code, as amended by this section.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated a total of $70,000,000 for fiscal years 2008 through 2009 for the purpose of researching and developing nuclear and radiological detection equipment described in section 70107(m)(1)(C) of title 46, United States Code, as amended by this section.

AMENDMENT NO. 4995

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I call up amendment No. 4995 and I ask for its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4995.

(Purpose:) To require the placement of balss-resistant cargo container on all commercial passenger aircraft)

At the appropriate place, insert the following:

SEC. ___. BLAST-RESISTANT CONTAINERS.

Section 41704 of title 49, United States Code, is amended by adding at the end the following: ''Each aircraft used to provide air transportation for individuals and their baggage or other cargo shall be equipped with not less than 1 hardened, blast-resistant cargo container. The Department of Homeland Security will provide each airline with sufficient blast-resistant cargo containers 90 days after the Department of Homeland Security's pilot program is completed''.

Mr. STEVENS. Mr. President, parliamentary inquiry: Is this amendment germane?

The ACTING PRESIDENT pro tempore. The amendment is not germane.

Mr. STEVENS. I make a point of order that it is not germane.

The ACTING PRESIDENT pro tempore. The point of order is sustained.

The Senator from California.

Mrs. BOXER. Mr. President, I am very disappointed. We have looked through this bill and we have seen an amendment that we believe gives Senators the opening to offer this. It was coming from the other side. It was the Burns amendment that dealt with an issue close to this. I will not argue that.

What I say to my colleagues today is this: We are very fortunate we have a homeland defense bill before the Senate. We are very fortunate Senators COLLINS and MURRAY work in a bipartisan way on a homeland security bill that deals with port security. We are further blessed that Senators have the guts to step up and offer amendments dealing with rail security and transit security. They were agreed to, thereby broadening the scope of this bill.

However, it is amazing to me that after we have observed and marked the fifth anniversary of September 11 we would turn away from a simple amendment that I am offering, which costs as much money as it takes for the war in Iraq in 5 hours—5 hours of the war in Iraq. We could take that amount of funding and make sure that on every passenger plane in this country that carries cargo there would be at least one blast-resistant cargo container.

Everyone lauded the 9/11 Commission. Let's see what they said about this.

The TSA should require that every passenger aircraft carrying cargo must deploy at least one hardened container to carry any suspect cargo.

That is the 9/11 Commission Report. That is dated July 22, 2004.

The other side is objecting on some thin parliamentary threat and hiding behind it. It is outrageous. I cannot wait to tell the people of this country that for 5 hours of the cost of the war in Iraq, every airplane that has cargo

would have at least one blast-resistant container so that if there is a bomb on that plane it will be contained. because only the suspect cargo would go into that particular container.

I do not understand what we are doing here. We have a good bill. We can make this bill better. The first thing I heard from my colleagues on the other side of the aisle is, oh, they did not want the airlines to have to pay the $15,000 per container—$15,000. It is a $150 million aircraft, but they did not want the airlines to pay $15,000. Fine. I said we will make sure the Transportation Security Agency gets those containers to the airlines. That is fine. That is fair.

The Homeland Security Department now has a test program. We know these things work. So let all of America hear it today. For all the talk about the 9/11 Commission Report and how great it was and how fair it was and how bipartisan it was, how good it was, how clear it was, this very simple recommendation that every passenger aircraft carrying cargo must deploy at least one hardened container to carry any suspect cargo, this Republican Senate would not allow a vote.

You are going to hear all kinds of words about why it is not germane, and we are doing something else somewhere else. Do you know what? This is simple. This would do the trick. This is not costly. It would not even rate an asterisk in the Federal Government.

So I am very sad to see that we cannot vote on this amendment. But I will be back another day with it. You can be sure of that.

I thank you very much, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that the vote on the motion to table the SCHUMER amendment No. 4930 occur at 4 p.m., with no second degrees in order prior to that vote. I further ask consent that following that vote, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, if I could just ask that Senator SCHUMER be given 2 minutes to speak prior to the vote.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I modify my request to ask that there be 4 minutes equally divided.

The ACTING PRESIDENT pro tempore. Is there objection to there being 4 minutes equally divided between both sides before the vote?

Ms. COLLINS. No objection, and I so modify my request.

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

The Senator from Alaska.

Mr. STEVENS. Mr. President, before that time commences, I want to answer the Senator from California. Canine teams are the most effective way to screen cargo transporter and passenger planes. Dogs can screen large quantities of cargo more quickly than any other available methods. One dog team can screen all the cargo on a 777 in 13 minutes.

Now, there is just no reason for these containers that the Senator from California wants to use, no reason to permit high-risk cargo aboard an aircraft. The hardened containers would only be able to contain a blast of limited quality of explosive material and would only be available for wide-body aircraft.

That amendment is not pertinent to this bill. This is not an airplane bill. This is not an aircraft bill. It is not an airline bill. It is a port and railroad security bill. That is why I objected. And I thank the Chair for ruling it was not germane.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, if I may respond, this is not my idea, I say to my good friend from Alaska, with whom I have had many good debates. This is a recommendation of the 9/11 Commission. We all know there are sniffing dogs going through the airports. I voted to make sure that happened. But we also know we are talking about a layered defense.

I want to know what the Senator from Alaska would say if this cargo blew up on a plane. I do not think he would be down here saying: Well, I supported making sure we had canine teams. I will tell you right now, either we are going to do homeland defense or we are not.

The Senator is right, this is a port security bill. But we have broadened it. I know he was not thrilled about that, and neither was the other manager. They wanted to keep it to port security. Why? Why not keep our people safe, not only when you are dealing with port security but with air security and rail security and transit security?

So this idea I have laid out here is not my idea. It is directly from the 9/11 Commission Report. And let the RECORD show that all kinds of talk about, oh, how safe we are because we have the canine teams, that is just part of a layered defense. The 9/11 Commission knows this, understands this.

It would have been very simple to have a vote on this amendment and add this very simple, inexpensive addition to this bill. But I guess it goes back to what Mr. Chertoff said the other day. I guess it just is not a priority. He said: Oh, we are going to go bankrupt protecting the people. I am basically paraphrasing what he said. Bin Laden wants us to go broke, he said. No. Bin Laden wants to kill us. Yes, he wants to kill us.

So why are we walking away from a 9/11 Commission recommendation that costs as much as 5 hours of the war in Iraq? The RECORD will show what happened here today.

Mr. President, I thank you and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

AMENDMENT NO. 4942

Mr. LAUTENBERG. Mr. President, I just want to say a few words about an amendment, No. 4942, that was accepted in the managers' package.

On April 28 of this year, the administration announced a plan to check ''all individuals seeking access to port facilities. . . .'' They wanted to check all individuals seeking access to port facilities. The plan was to check these individuals' names against the terrorist watch list and to check for citizenship status. But a major loophole was created when it intentionally left out port truck drivers from this process.

Now, we are reminded that when the first attack on the World Trade Center, in 1993, took place, the explosives were hidden in a van. When the Murrah Building in Oklahoma City was blown up, the explosives were hidden in a van. And not to recognize that these trucks entering a port area could be carrying anything—whether it is taking cargo containers out of the port that had been brought to our shores from foreign ports or whether it is taking an empty cargo container back into the port—my gosh, you could almost hide a tank in one of those.

So to me it really did not make sense when the Department of Homeland Security's excuse was that it was simply too hard to do, to vet all of these truck drivers who come in, and get them an ID card to show they have been checked for any security concerns. Certainly, I do not think that is a valid excuse when it comes to protecting us from a terrorist attack. ''Too hard'' is never an acceptable reason. Just look at our brave troops in Iraq and in other places, places of great danger. No one is saying it is too hard. They are doing their duty to protect all of us and our interests.

One of the largest truck driver labor organizations in the world fully supports my amendment. They know they have nothing to hide, and they want to know that their workplaces are secure from terrorism.

The amendment simply requires that the IDs of truck drivers who have access to secure areas of ports be checked against terrorist watch lists and to confirm their American citizenship.

Earlier this year, DHS Customs Enforcement agents did an investigation of port truck drivers. Of about 10,000 port truck drivers working in the Port of New York and New Jersey, almost half had criminal histories. Some had been charged with the possession of millions of dollars of stolen pharmaceutical goods, or trying to smuggle cocaine and Iranian carpets into the United States.

This failure to check port truck drivers along with all other port workers is

a dangerous shortcut. It is unacceptable. When it comes to protecting our security, we do not seek shortcuts. We do not want to. We want full measures taken to keep us, our families, our constituents, and the people in the area safe.

I want to thank the manager, the Senator from Maine, and Senator STEVENS from Alaska for accepting this amendment. It will help make sure our attempts for security are better fulfilled. I thank them. and I thank the chairman for working with me on this important issue. I understand there may be concerns with some technical aspects of my amendment, but I think it is clear that everyone here recognizes the problem of not checking port truck driver names against the terror watch list and for citizenship status.

Mr. STEVENS. I agree and I commit to working with the Senator to see that we do our best to make this law.

AMENDMENT NO. 4930, AS MODIFIED

The ACTING PRESIDENT pro tempore. Under the previous order, there are 4 minutes equally divided between the proponents and opponents of the Schumer amendment.

Who yields time?

The Senator from Maine.

Ms. COLLINS. Mr. President, I will yield myself 1 minute, and then I will reserve a minute for after Senator SCHUMER speaks.

Mr. President, I urge my colleagues to join me in voting to table the amendment offered by the Senator from New York, which would require 100-percent scanning of all 11 million cargo containers entering the United States, regardless of whether they are incredibly low-risk containers or high-risk containers.

Now, the amendment that was adopted yesterday, the Coleman amendment, provides for 100-percent scanning of high-risk containers. The bill before us has a pilot program in three foreign ports to find out: Is it feasible and practical? Is the technology available? Can we, in fact, do 100-percent scanning without significantly slowing the flow of commerce? Right now it appears that we cannot do that. The technology is not there. But eventually we will be able to get to that goal. The approach in the Schumer amendment ignores the technological limitations we now have.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator reserves the remainder of her time.

Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

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

The Senator from New York is recognized for 2 minutes.

Mr. SCHUMER. Thank you, Mr. President.

Let me say this amendment is a very simple one. It says within 4 years we must have all of our cargo inspected for nuclear weapons. We have been trying to do this for 5 years—close to 5 years—and what we have gotten is a lot of studies, pilot projects.

And now I have seen it with my own eyes. Others have here, too. It can be done. It is done in Hong Kong on two lines. It costs about $8—once it is fully going, per container, nothing because it costs $2,000 to send a container over.

This does not cost the taxpayers any money. And this is the greatest—greatest—terrorist act that could befall us: a nuclear weapon smuggled into this country and exploded, God forbid. Can any one of us say we have done everything we can to stop it? No.

The fact that this amendment has drawn such controversy and has focused attention on the issue has shown that when you put in a deadline, you get things done.

When you do pilot projects and studies—especially because Department of Homeland Security has not done a very good job in this, the most important of areas—you will get delay. If you want to wait another 5 years, vote against this amendment. But if you care about protecting the security of America and preventing the greatest act of terror that could befall us, you will vote for this amendment to impose deadlines—because we know it can be done—and make our country more secure once and for all. We cannot afford to wait any longer, Mr. President.

I urge a ''yea'' vote.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized for 1 minute.

Ms. COLLINS. Mr. President, once again, I will explain the provisions of the bill. It has a layered system of security for our cargo and, by the end of next year, it requires that the 22 busiest ports in the United States, which handle 98 percent of all cargo containers, will have installed the equipment to screen for radiation, for radiological devices, including a nuclear device. So it is not just studies and plans, as the Senator from New York repeatedly says; it has specific mandates.

The Coleman amendment, adopted yesterday, requires 100 percent screening and scanning of all high-risk containers. But the fact is that we do not yet have feasible, efficient, practical technology in place to allow us to do 100 percent scanning of all containers without significantly slowing container movement, producing a backlog, and harming our economy.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: The Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

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

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—61

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

NAYS—37

Bayh	Harkin	Nelson (FL)
Biden	Jeffords	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Byrd	Kerry	Reid
Carper	Kohl	Rockefeller
Clinton	Lautenberg	Salazar
Dayton	Leahy	Sarbanes
Dodd	Levin	Schumer
Dorgan	Lieberman	Stabenow
Durbin	Lincoln	Talent
Feingold	Menendez	
Feinstein	Mikulski	

NOT VOTING—2

Akaka	Chafee

The motion was agreed to.

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

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. There is 10 minutes equally divided to make final statements on this bill?

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senate will come to order. Senators will please take their conversations off the floor.

The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that each side have 5 minutes, jointly, to make final statements on this bill.

The PRESIDING OFFICER. Is there objection? Hearing none, there is 5 minutes equally divided.

LAND PORTS SECURITY

Mr. LEVIN. Mr. President, securing our seaports against terrorist threats is a critical issue, and I commend Chairman COLLINS and Senator

LIEBERMAN for their hard work on the bill we are debating today, the Port Security Improvement Act of 2006. Senators COLLINS and LIEBERMAN have negotiated this bill not only with members of the Homeland Security and Governmental Affairs Committee but also with members of the Commerce and Finance Committees; they deserve our thanks for their tireless efforts.

While seaports are the focus of this bill, I would like to point out that land ports are equally important ports of entry into this country; they also suffer security gaps, and they also receive attention in this bill. Right now, about 11 million containers enter this country by ship through our seaports; another 11 million containers enter this country by truck through our land ports. According to the Department of Homeland Security, DHS, for example, the northern border has 6 of the top 10 truck border crossings in the country, including the No. 1 crossing point in the Nation, the Ambassador Bridge in Detroit. In fact, the Ambassador Bridge is currently the largest trade link that the United States has with another country, connecting Detroit, MI, and Windsor, Ontario with nearly 10,000 trucks crossing daily transporting goods worth nearly $110 billion per year. Over 60 percent of all trucks crossing the northern border take place in southeast Michigan.

Over the past 5 years, we have increased border staffing and security along our land borders and made progress in installing radiation detection equipment at land ports of entry. Today, for example, 100 percent of all trucks entering Michigan are screened by radiation detection equipment. But there is more to be done; we need better equipment to detect currently hard-to-detect nuclear materials and to analyze currently unreadable cargo images, such as images of trash containers on trucks entering the United States from Canada. Among other provisions, this bill directs the Secretary of DHS to enhance cargo security research, which I support.

The bill also takes a number of other steps to improve container security at land ports of entry, even though land ports are not the primary focus of this bill. Chairman COLLINS, am I correct that a few provisions in the bill would strengthen container security at both the land ports of entry as well as the seaports?

Ms. COLLINS. You are correct, Senator LEVIN. The bill contains provisions which would strengthen security measures for containers transiting either land or sea ports of entry.

Mr. LEVIN. It is my understanding that the following provisions in the bill, for example, would apply to all containers, whether they moved by truck or by ship: section 201, which would call on the DHS Secretary to establish a strategic plan to enhance the security of the international supply chain; section 211, which would codify the Customs Trade Partnership Against Terrorism Program; section 301, which would establish the Office of Cargo Security Policy; and section 303, which would increase research into ways to strengthen cargo security.

Is it your understanding that these provisions would apply to containers traveling through both the seaports and land ports?

Ms. COLLINS. Yes, it is the intent of the bill that those provisions apply to all containers, whether transiting U.S. seaports or land ports of entry.

Mr. LEVIN. I thank you for your time and for helping me to underscore an important point, that this bill would strengthen security measures for all types of shipping containers, at both sea ports and land ports of entry.

TWICS

Mr. DEMINT. Mr. President, I thank my colleagues for working with me on this important amendment. The amendment that I offered and which is included in the managers' package codifies the current proposed regulations governing the issuance of transportation worker identification credentials—often known as TWIC cards. My amendment would codify in statute a number of offenses which would bar individuals from receiving TWIC cards if they have been convicted, or found not guilty by reason of insanity, of a number of particularly heinous offenses. The amendment would also bar individuals from holding TWIC cards if they have been convicted of or found not guilty by reason of insanity within the last 7 years or have been incarcerated in the preceding 5 years for certain other offenses. This amendment will provide the Nation with assurances that the hard-working men and women at our ports are trustworthy.

It is my understanding that this language will be the Senate position in conference and that my colleagues will fight to protect this language and to ensure that the conference report contains the DeMint amendment.

I am particularly pleased to hear that Cochairman INOUYE has agreed to fight for this amendment in conference. Is that understanding correct?

Mr. INOUYE. The Senator is correct that his amendment will be the position of the Senate. I can assure the Senator I will work to protect the Senate position in conference.

Mr. DEMINT I thank my colleagues for working with me on this amendment and look forward to the port security bill's passage.

Mr. MCCAIN. Mr. President, yesterday, the Senate adopted amendment No. 4951, which I offered to the Port Security Improvement Act of 2006, to require all recipients of grants from the Department of Homeland Security—DHS—to report to the Department on the expenditures made from these Federal funds.

I offered this amendment in response to recent testimony by the U.S. Government Accountability Office—GAO—which found it difficult to track expenditures made from the $11 billion in Federal grants awarded to States and localities to improve emergency preparedness, response, and recovery capabilities. Specifically, William O. Jenkins, Jr., Director of the GAO's Center for Homeland Security and Justice, stated that, ''What is remarkable about the whole area of emergency preparedness and homeland security is how little we know about how states and localities (1) finance their efforts in this area, (2) have used their federal funds, and (3) are assessing the effectiveness in which they spend those funds.''

Currently, the Department requires States and localities applying for grants to submit an ''Investment Justification'' outlining implementation plans and detailing how the Federal funds are expected to be used to meet homeland security goals, objectives, and capabilities. Additionally, the Department requires States and localities that receive funds to file a Categorical Assistance Progress Report twice a year on how the Federal assistance allocations were used to meet homeland security goals and objectives. However, grant recipients are not required to disclose specific homeland security expenditures.

Early in the formation of DHS, grant recipients were required to report expenditures for homeland security equipment, plans, training, or exercises. This amendment will simply reinstate the requirement. With such a process in place, I hope DHS and the GAO will be able to report to Congress, and the American taxpayers, on the effectiveness of the grant programs and the use of Federal funds.

I am pleased my colleagues joined me in supporting this amendment to promote greater accountability and transparency in the use of taxpayers' money.

Mr. KOHL. Mr. President, I rise to support passage of H.R. 4954, the Port Security Act. This bill will improve security at our ports and it is a step in the right direction. It will invest more money and coordinate programs to improve cargo screening, hire more personnel to increase physical security at ports, require background checks for port workers, and expedite deployment of radiation detection equipment to prevent the smuggling of nuclear material into our ports. All of these measures represent a better and smarter approach towards port security and homeland security generally. But we need to do much more.

It has been 5 years since the 9/11 attacks and sadly we still have much more to do to prevent a repeat of that catastrophe. We are troubled that this Congress has failed to implement many of the changes suggested by the 9/11 Commission more than 2 years after their final report. For example, the Commission urged us to improve border security through a more efficient entry-exit screening system. Despite the national outcry to beef up border

security as we have seen during the ongoing immigration debate, we have yet to adequately address this problem.

The 9/11 Commission also recommended that we develop smarter plans to secure not only our air transportation system but also our rail and main transit systems. As the terrorist attacks in Madrid in 2004 and London in 2005 taught us, terrorists are more than willing and able to attack our trains, buses, and subway systems.

And even though we have spent billions to better protect air passengers, we must better screen for explosives in checked baggage and air cargo. The plot to use liquid explosives uncovered by British intelligence services in August revealed that we are unable to properly scan for all explosives. We can and must do more to protect these vulnerabilities against attack.

Unfortunately, what needs to be done to improve homeland security is not limited to the transportation sector. For example, we must also do more to improve security at our nuclear powerplants and chemical factories. Study after study has shown that a tragic attack on one of these facilities could kill thousands of Americans.

Such a bleak assessment of what still needs to be done—a full 5 years after 9/11—should gravely concern us. It is no wonder that a majority of Americans do not feel safer. According to an ABC News poll taken last week, 74 percent of Americans said they were concerned about the possibility of more major terrorist attacks in the United States. That same poll also found that 60 percent said more should be done to stop terrorists from striking again. Clearly, public sentiment demands that we improve homeland security. Passage of the port security bill will demonstrate that we can work together to make America safer. While this marks progress, it is just one piece of a much larger homeland security puzzle that we need to tackle. This must be our No. 1 priority and I urge my colleagues to continue working together towards this goal.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate is about to pass the Port Security Improvement Act of 2006.

This week our Nation observed the tragic anniversary of September 11, 2001. Five years after that horrific attack on our country, we honor those who lost their lives, and pay tribute to the heroism of the first responders who selflessly risked, and even gave, their lives in the rescue and recovery missions. Since that day, Congress has taken some actions to improve domestic preparedness and readiness, but there is much more we must do to help protect Americans from the threat of terrorism on our own soil. We must finish the job of implementing the bipartisan September 11 Commission's recommendations, including strengthening the security of our ports. Let us not get sidetracked from what should be our No. 1 priority, the fight against terrorism, and this port security bill is a key component in that fight.

Ports are a critical part of our Nation's infrastructure and an attack on our ports would have devastating consequences for the U.S. and the global economy. It is therefore of the utmost importance that our ports have adequate security measures put in place. That is why I supported a number of good provisions in this port security bill, such as the establishment of minimum security standards for all cargo entering the U.S., the requirement of radiation screening at the 22 busiest U.S. ports, and increased funding for the important port security grant program.

I was especially gratified to support the Murray amendment that extends certain Customs and Border Protection fees. While this might not appear to be much on first glance, this amendment was the difference between just authorizing these improved protections and providing the funding to put them in place. And it provides this funding in a responsible manner without adding to the deficit.

I was disappointed that the Senate rejected an amendment offered by Senator SCHUMER, which I cosponsored, that would prohibit foreign cargo from entering the U.S. unless the container has passed through an integrated scanning system and be tested for nuclear and radiological materials. This amendment would require, within two years, every container entering the U.S. from a foreign port designated under the Container Security Initiative—CSI—to be scanned before being loaded. This would cover the vast majority of transatlantic and transpacific cargo and be scaled up to scan all cargo within 4 years.

I was also disappointed that the Senate rejected the amendment offered by Senator MENENDEZ that would have required the Department of Homeland Security to develop a plan to incrementally increase the amount of cargo scanned for all threats until 100 percent of cargo was examined. Congress needs to finish the job of implementing the bipartisan 9/11 Commission's recommendations to improve our national security, including heightened screening of cargo that passes through our Nation's ports.

I also supported the amendment of Senator REID, which contained a number of important provisions addressing national security needs that are not addressed in the underlying bill. It is unfortunate that the Senate was unwilling to expand the scope of the bill to consider other matters relevant to fighting terrorism and protecting Americans. While I did not support every provision in the Reid amendment—it did not do enough to put this administration's flawed Iraq policy on the right course, for example—the Senate missed an important opportunity when it rejected that amendment.

Mr. President, I will vote for this bill because it provides funding for many important port security needs. However, our Nation's vulnerabilities demand more and I will continue to work to ensure that our vital homeland security needs are met.

Mr. SALAZAR. Mr. President, as this Congress comes to a close, it is important to ask: Have the Congress and the White House done everything possible to make the American people safe?

Unfortunately, I am afraid the answer is ''No.''

Just over a year ago, we all witnessed in horror the tragically inept response to Hurricane Katrina. Despite claims that DHS and FEMA had put their house in order after the Hurricane, just last week a GAO report raised concerns that adequate safeguards are still not in place to properly respond to a catastrophe.

Despite the fact that the 9/11 Commission gave 5 Fs and 12 Ds in its final report, an appalling number of the Commission's recommendations have still not been implemented—including recommendations regarding emergency preparedness and response, transportation security, border security, and intelligence reform.

Too many of our first responders still lack adequate equipment, resources, communications interoperability, and—just as important—training. Making matters worse, as local law enforcement agencies are forced to take on more homeland security responsibilities, the administration keeps proposing cuts to law enforcement funding.

Our borders are broken and lawless, allowing millions of people to cross the border without the government knowing who they are or why they are here. Meanwhile, border security programs remain under-funded and the National Guard has been strained to the limit.

Funding for air cargo security has declined by about 25 percent over the past 3 years, while a comprehensive baggage screening system is not expected to be in place until 2024.

Incredibly, there are still no minimum standards regulating security at our chemical facilities which remain vulnerable to attack. For reasons which I cannot understand, the Republican leadership has either refused or been unable to schedule floor time for a strong, bipartisan chemical security bill which has already been reported out of committee.

The American people deserve better. They deserve a Congress that will put partisan politics to the side and put homeland security first. So while I am proud to stand here and support this important, bipartisan port security bill, I do so with the understanding that it is only a first step on the long road toward adequately protecting our homeland.

Almost 5 years to the day after the September 11 attacks, more than 2 years after the 9/11 Commission warned us about the need to address port security, and more than half a year after the Dubai Ports World controversy

brought port security to the front pages, the Senate is finally addressing this important issue.

The wait is unfortunate, because the issues at stake are serious. Over 11 million shipping containers enter the United States via our ports each year. Those containers carry roughly 2.4 billion tons of goods worth more than $1 trillion—and some expect those numbers to double over the next 20 years. It goes without saying that an attack on our ports would cause economic catastrophe.

The average shipping container originating overseas will pass through, on average, over a dozen intermediate points before it arrives in the U.S.—each providing an opportunity for terrorist infiltration. Weapons smuggled into the country through one of our ports could cause unspeakable loss of life.

Only about 6 percent of containers arriving at U.S. ports are currently inspected before they enter the country and that we do not have a comprehensive plan to restart the economy in the event of a terrorist attack on our ports.

So I am happy that we have finally taken up this important, bipartisan piece of legislation—and I commend Senators COLLINS, LIEBERMAN, MURRAY, INOUYE, and STEVENS for their leadership on the issue. And while the legislation isn't perfect, it would take important steps toward securing our ports and protecting our economy.

First, I am pleased that the bill establishes a pilot project in 3 foreign seaports to screen every container entering the United States from those ports. This is a long-overdue first step.

I am also pleased that the bill requires the screening for radiological material of each container entering the United States.

The bill also includes important provisions requiring DHS to develop enhanced protocols governing the resumption of trade in the event of an attack on our ports and a comprehensive strategic plan regarding maritime cargo security.

I am also pleased that the bill improves and expands key port security programs such as the Container Security Initiative and the Customs-Trade Partnership Against Terrorism; and that it authorizes important risk-based port security grant programs.

Improving our port security isn't impossible. Just look at Hong Kong. While we inspect only about 6 percent of incoming containers, the port of Hong Kong has implemented new screening procedures that achieve 100 percent inspection. While this bill won't get us to 100 percent inspection overnight, it is an important—and long overdue—first step.

Furthermore, I would like to thank my colleagues for supporting my amendment to create a Rural Policing Institute—RPI—at the Federal Law Enforcement Training Center, FLETC. FLETC does a fantastic job training Federal, State, and local law enforcement officials. But FLETC does not have sufficient resources dedicated specifically toward training rural law enforcement officials. So the Rural Policing Institute would evaluate the needs of rural and tribal law enforcement agencies; develop training programs designed to address the needs of rural and tribal law enforcement agencies, with a focus on combating meth, domestic violence, and school violence; export those training programs to rural and tribal law enforcement agencies; and conduct outreach to ensure that the training programs reach rural and tribal law enforcement agencies.

As Attorney General, I learned that a small investment in law enforcement training can pay great dividends. By ensuring that our rural and small town law enforcement officers have the training they need to protect their communities, the RPI will help law enforcement agencies better protect the safety and security of their communities.

Finally, I am proud to cosponsor an amendment that would make the Transportation Technology Center, Inc.—TTCI—in Pueblo, CO, a part of the National Domestic Preparedness Consortium—which is the principal organization through which the Department of Homeland Security identifies, develops, tests, and delivers training to state and local emergency responders.

The TTCI does an outstanding job training first responders from the rail and mass transit sectors, the chemical industry, government agencies, and emergency responders from around the world. Each year, roughly 1,700 first responders go to Pueblo to participate in TTCI's outstanding training programs. TTCI's inclusion in the National Domestic Preparedness Consortium will allow it to improve its already outstanding services.

Our first responders are the finest in the world, and they deserve the best possible training and facilities. This bill is an important step in that direction.

Mr. GRASSLEY. Mr. President, the Senate is about to pass the Port Security Improvement Act of 2006. This important legislation is the result of months of hard work between the Committee on Finance, which I chair, the Committee on Commerce, Science, and Transportation, and the Committee on Homeland Security and Governmental Affairs. I thank again Chairman STEVENS and Chairman COLLINS, as well as Senator COLEMAN, Senator INOUYE and Senator LIEBERMAN, and of course Senator BAUCUS, the ranking member on the Finance Committee, for coming together with me to produce a significant and balanced piece of legislation that advances both the trade and economic security interests of our Nation.

As I have noted previously, those who intend harm to our Nation seek to inflict economic as well as physical injury. We must be mindful of both concerns as we defend the homeland. I am pleased to say that we in the Senate have done our part. The committees of jurisdiction came together, worked together, and produced a bill that will empower the Department of Homeland Security, and in particular the U.S. Customs and Border Protection, to better meet the dual responsibilities of securing the homeland and protecting the economic security of our Nation. Our legislation has been on the floor for a week, during which the Senate has worked its will. I look forward to working out our differences with the House so that we can get this legislation to the President's desk as soon as possible.

I want to take a moment to thank the many staff who have worked so hard and so long to make this legislation a reality. On the Finance Committee, that begins with my chief counsel and staff director, Kolan Davis, whose skilled leadership is key to the advancement of my agenda on the committee. My international trade counsel, Stephen Schaefer, deserves special mention. Stephen is a very smart trade counsel, a creative problem solver, and a dedicated public servant. Tiffany McCullen Atwell, my international trade policy adviser, also deserves special mention. Tiffany was tireless in her efforts and a very strong and effective advocate for the Finance Committee. Together, their hard work and advocacy contributed significantly to the development of this legislation. I also want to recognize the other members of my trade staff, David Johanson, who serves me as international trade counsel, and Claudia Bridgeford, my international trade policy assistant. Their support is critical to my success.

Senator BAUCUS's trade staff also deserves recognition. The Democratic staff director on the Finance Committee, Russ Sullivan, and the deputy staff director, Bill Dauster, worked well with my staff throughout the process. I also appreciate the efforts of Brian Pomper, Senator BAUCUS's chief, international trade counsel, and in particular Senator BAUCUS's international trade adviser, Anya Landau, who worked so closely and so well with my staff in this effort. And I want to acknowledge the other members of Senator BAUCUS's trade staff, Demetrios Marantis, Chelsea Thomas, Janis Lazda, and Mary Lisa Madell.

Finally, I would like to thank Polly Craighill, senior counsel in the Office of the Senate Legislative Counsel, for the many hours she put into drafting and improving this legislation. Not only is Polly a perfectionist, but she also drives others to meet her high expectations and for that I am personally grateful. The bill before the Senate is much improved by virtue of her patience, dedication, and expertise.

Mr. LEAHY. Mr. President, I want to offer a comment on an aspect of the port security bill, included in the managers' package. The IP-enabled voice communications and public safety provisions will encourage the use of E–911

by Voice over Internet Protocol providers. I want to thank Senator STEVENS for removing language from the initial amendment that would have delayed implementation of this public safety program. The provisions that were removed would have needlessly endangered lives. Accordingly, the modification was essential. As Americans increasingly use IP-enabled voice communications, there is an increasing necessity to ensure these callers have access to their local 911 public safety answering points in case of emergency.

The language of the initial amendment would have provided gaping loopholes for VoIP providers to avoid 911 obligations. It would have delayed the Federal Communications Commission's rules regarding implementation of 911 requirements on VoIP providers; grandfathered subscribers who signed up prior to December 31, 2005—meaning those subscribers would not be assured that when they called 911 they would reach their local first responders; and would have authorized other broad ''waivers'' from the rules.

I want to thank the firefighters—specifically the International Association of Fire Chiefs and the International Association of Fire Fighters—for bringing these important public safety concerns with the initial amendment to our attention. Through their diligence, we have an amendment that will promote the deployment of critical 911 services, rather than delay it. This is crucial to assist America's first responders, including local fire, EMS and police officials, in their efforts to save lives.

As the port security bill moves forward, it is critical that the compromise reflected in this important public safety amendment be maintained. I appreciate the assurances made by the managers to protect this important compromise. All Americans deserve the very best emergency response system. This amendment now helps accomplish that goal.

Mr. ISAKSON. Mr. President, today, the Senate accepted an important amendment to this port security bill to protect longshoremen and private sector marine terminal operators from any adverse consequences that could result from government cargo screening activities. The amendment was coauthored by Senator KENNEDY and myself, and I thank the distinguished Senior Senator from Massachusetts for his leadership on this issue. I also thank the floor managers, Senators COLLINS, STEVENS, COLEMAN, LIEBERMAN, INOUYE, and MURRAY for their vital assistance.

After September 11, Congress mandated that the administration begin scanning shipping containers upon their arrival at U.S. ports. In response to this congressional mandate, U.S. Customs has begun using so-called ''VACIS machines'' to screen cargo on U.S. marine terminals. These machines are enormous imaging systems that use gamma ray technology to produce radiographic images of the contents inside the shipping containers. Some of these systems are truck mounted and can be passed over containers and others are operated by actually driving the container through the machine. With these devices, Government officials can determine the possible presence of many types of contraband. Eventually, every port in the country will have the machines on site.

There is no question that these machines are crucial to our port and national security, but they also have the potential to expose maritime workers to low levels of radiation. The National Academy of Science recently concluded that exposure to any additional radiation above background levels poses an incremental risk to the exposed individual.

This incremental risk of exposure to radiation, regardless of how small, is enough to trigger significant liability for employers under the Longshore and Harbor Worker's Compensation Act.

The amendment that I offer today addresses the issue of this low level radiation exposure in two ways: First, it requires the Secretary of the Department of Homeland Security to develop and implement new protocols to protect the safety of port workers. If indeed it is possible that radiation exposure can be further reduced, hopefully to zero, we should do so. The tens of thousands of dedicated maritime workers in this Nation's ports deserve nothing less than to know that the Federal Government has done everything possible to prevent any exposure to additional radiation caused by these cargo screening machines.

The second part of the amendment allows the operators of marine terminals nationwide to receive financial reimbursement if their port-based employees become ill due to the low levels of radiation emitted by these machines.

Unfortunately, if we do not include this amendment today, maritime employers will be on the hook for thousands of radiation exposure claims because the Federal Government exposed their workers. Congress has placed the operators of marine terminals in a no-win situation. On one hand, we are asking the industry to support Government port security efforts, while on the other hand leaving them vulnerable to a possible litany of radiation exposure claims from their workforce if they do cooperate.

If a port worker believes that he or she was harmed because the Federal Government exposed the worker to radiation, the worker's complaint is with the Federal Government, not his or her employer.

Accordingly, I only ask for fairness for the businesses that operate marine terminals in Savannah, Boston, Seattle, and other American seaports. These businesses are in no way responsible for any radiation hazard brought about by congressional mandate. All these businesses have done is cooperate with the Federal Government. Therefore, this amendment also stipulates that the Federal Government should reimburse employers for any employee claims of injuries caused by exposure to radiation.

In closing, I thank Senator KENNEDY and his staff and the floor managers and their staff for their assistance with this important matter.

Mr. ALLEN. Mr. President, I rise today in strong support, urging passage of the Port Security Improvement Act. As an original sponsor of this measure, I am hopeful we will have a full and vigorous debate, but ultimately pass this important legislation for Virginia and America.

The Port of Virginia is a vital part of Virginia's economy, and its security is key to continued economic prosperity of Virginia. Recently, I visited the Norfolk International Terminals to see and receive briefings on what has been implemented to secure our port against terrorism and other illicit activities. Fortunately, the Virginia Port Authority has been proactive in assessing its security needs and implementing plans and infrastructure to meet those requirements. The Port of Virginia is on the leading edge of port security, which will help ensure the flow of commerce, but more importantly will ensure the safety of the American people. The Port of Virginia is an outstanding example for other ports around the country and the Port Security Improvement Act will help move other port facilities in that direction.

Following the September 11 terrorist attacks, our Government logically focused first on protecting the Nation's airports and commercial airlines. In the years since, we have received disturbing predictions and reports on the vulnerability of our Nation's ports. Claims that a nuclear weapon could be smuggled into the U.S in a container or that a biological or chemical weapon could be disbursed through our port system are grim reminders that must remain vigilant against this threat.

Since 9/11, the Congress and the administration have taken a number of steps to strengthen security at America's ports. We have required advance manifests, so we know what is supposed to be in containers reaching U.S. shores. Our Government has also negotiated agreements with dozens of countries to allow Customs and Border Protection, CBP, personnel to inspect loaded ships destined for the United States. And we have employed scanning devices at ports around the country to detect radiation emanating from cargo. And while there is often talk that cargo entering the U.S. is not being scanned, the fact is that 70 percent of cargo arriving at U.S. ports is scanned by CBP for radiological material.

These and a number of other initiatives have vastly improved the security at our ports. However given the gravity of the threat from al-Qaida and other terrorist groups, we must continue to take steps to maximize our ability to

detect and prevent potential future attacks.

To do so, the Senate Commerce, Homeland Security and Finance Committees have collaborated to craft the Port Security Improvement Act. This legislation outlines the next steps the federal government, port authorities and cargo shippers need to take to protect our country.

The bill provides that the Department of Homeland Security, DHS, develop and implement a plan to deploy radiation detection capabilities to the Nation's 22 busiest ports by 2007. In addition, the measure outlines future requirements to make sure cargo entering the U.S. by various modes of transportation is properly scanned and random physical searches are carried out where appropriate.

In the years since September 11, much has been made about how we guarantee the people entering our ports or working at out ports are not a security threat. Also, many questioned how we make sure credentials to enter ports cannot be duplicated. Our legislation, this bill, the Port Security Improvement Act would implement the Transportation Worker Identification Credential, TWIC, that DHS has been working on for the last few years. TWICs would be required at the 10 busiest ports by 2007 and the next 40 strategic ports by 2008.

Global trade has become the engine of the U.S. and global economy and our ports are the gateways that keep our economy vibrant. We all agree that security of our ports is paramount, but we must also address how new requirements impact the flow of commerce. The Port Security Improvement Act allows DHS to establish a Customs-Trade Partnership Against Terrorism—CTPAT—program that will allow importers to cooperate with the government to secure their own supply chain. Depending on the level of cooperation and security, importers would receive a lower risk assessment as part of the algorithm DHS uses to determine what cargo requires further inspection. This provides a reasonable choice for importers—if you are as forthcoming as possible and your risk for delay will dramatically decrease, if not, your cargo could be held up to ensure its contents are safe.

We cannot ask State and local officials to fund these security improvements without assistance. However as stewards of the taxpayers, we have an obligation to use their hard-earned money as effectively as possible. Our bill would amend existing law so that future grants are allocated on a risk basis. This is an important change that will ensure we are addressing the areas most likely to come under attack.

We have made real progress in securing our ports in the last few years. And yet we all understand we still must do more to protect the American people. Passing the Port Security Improvement Act is the way to do that. I urge my colleagues to supports its passage.

In closing, I would like to thank Chairwoman COLLINS for her steady leadership on this issue. It has been a pleasure working with Senator COLLINS. She has worked diligently to build consensus among all interested parties and has produced a bill that strikes the right balance on security requirements and incentives. Senator COLLINS deserves all our admiration and gratitude for her considerate, outstanding steering of this significant measure that will protect America.

Ms. MIKULSKI. Mr. President, I rise in support of the Port Security Improvement Act because our country's ports are vital to our national security, military capability, and economy. Our economy depends on moving goods via our ports and rail. Our security depends on ports that are safe and protected from attacks. We must pass this bill to keep our ports and America safe.

Since 9/11, we have a new world order. We are fighting a global war on terror. Ports are now a high-threat target for terrorism. We need to keep our ports safe from those with predatory intent. Approximately 11 million containers come into the United States each year and 19,000 containers daily. Shippers declare what is inside, but who really knows what is in there. It could be weapons or explosives.

We need to improve our port infrastructure. This means providing personnel training and installing better gates and security cameras. We must also upgrade our technology. We need tamper-proof latches on containers to prevent terrorists from slipping bombs or weapons into a container. Yet Federal aid for port security is Spartan and skimpy. The President provided no funding for port security grants in his budget.

The Port of Baltimore just celebrated its 300th anniversary. The port is a part of me. My great-grandmother came to American through the port of Baltimore. Growing up, the port was part of my life. The longshoremen, truck-drivers and Merchant Marines who worked at the port were my neighbors. They were hard working, patriotic Americans. They shopped at my father's grocery store. I knew the history of the port because it was the history of my community.

The Port of Baltimore is an economic engine for Maryland and America. It creates jobs, including 42,000 maritime-related jobs in Maryland and almost 20,000 direct jobs. The port generates nearly $6 billion a year in salaries and revenues.

I have been fighting to upgrade and protect our Port of Baltimore for more than 20 years. In the beginning, it was fixing the twists and turns in our channels that were a safety risk. Today, it is threats that were unthinkable years ago. Keeping our port and our people safe from terrorism is one of my top priorities. I have fought for more port security funding in Baltimore to upgrade entry gates and perimeter fencing, install new surveillance equipment, and purchase new patrol boats. The Coast Guard estimates that $8 billion is needed to address port security nationwide. Congress needs to listen to the Coast Guard and provide the needed funding to protect our ports.

This bill is good for the Port of Baltimore and America. It would provide $400 million in port security grants when President Bush provided no funds for these grants. Last year, the Port of Baltimore received $1 million in port security grants, but they need $7 million. It needs these funds for surveillance and explosive detection equipment, perimeter security, and computer equipment to collect cargo information. This bill would also install radiation detection equipment at the 22 largest ports in the United States, including Baltimore. It is the 14th largest port for foreign cargo. This equipment is vital to detect dirty bombs and to protect the people of Maryland and the country.

We need to make sure the Port of Baltimore and all ports across America are safe, secure, and growing. The Port of Baltimore is vital to Maryland's future because an investment in the port is an investment in the State's economy. I am proud that this is the 300th anniversary of the port, but we need to make sure that the next generation celebrates the 400th anniversary. Mr. President, it is time to make port security a priority in the Federal law books and the Federal checkbook. I urge passage of this critical and long overdue legislation.

Ms. COLLINS. Mr. President, I ask unanimous consent that the attached letter from the Supply Chain Security Coalition be printed in the RECORD.

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

SCSC,
September 7, 2006.

Hon. SUSAN COLLINS,
Chairman, Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: We understand that the Senate will take up port security legislation in the very near future. We are writing to express the Supply Chain Security Coalition's support for strong legislation that will improve the security of our ports and the global supply chain, while also ensuring the continued strength and vitality of the U.S. economy. Toward this end, we worked to help pass H.R. 4954, the SAFE Ports Act, which the House of Representatives approved on May 6, 2006 on a vote of 421–2. It is our hope that the Senate legislation will closely mirror those aspects of the House bill that build upon the multi-layered, risk assessment model currently used by the Department of Homeland Security and which have worked to keep our ports safe for the last several years.

However, while we strongly support improving the security of our nation's ports, we will oppose any proposal or amendment that would require all U.S. bound cargo containers to be scanned for radiation and density, so called ''100% scanning'' amendments. Such amendments would require every container to be scanned in a foreign port before the container is loaded on a vessel destined for the U.S. Such a mandate is unrealistic

and could potentially decrease security by forcing containers to sit for extended periods of time, which would then put them at greater risk of tampering. A 100 percent scanning mandate would also divert resources away from the current successful risk assessment approach, which utilizes sophisticated risk-analysis tools to determine which containers may pose a risk and ensures that those containers are handled appropriately. Finally, such a mandate has the potential to significantly impede the flow of commerce. According to the World Shipping Council, when the U.S. Customs and Board Protection Agency (CBP) currently scans questionable cargo, it takes 1–3 days to release that container back into the stream of commerce. With 11 to 12 million containers entering the U.S. every year, it is obvious that a mandate of 100% scanning has the potential to do significant damage to the flow of goods and to the U.S. economy.

Rather than mandating 100% scanning, we believe port security legislation should authorize additional testing and evaluation of scanning technology. Both the ''GreenLane Maritime Cargo Security Act'' passed by the: Senate Homeland Security and Governmental Affairs Committee and the House-approved SAFE Ports Act address this issue by calling for pilot projects to test the effectiveness and operational ability to conduct 100 percent container scanning. In addition, the House bill requires the Secretary of Homeland Security to conduct an evaluation of scanning systems, taking into consideration false alarm rates and other operational issues, the impact on trade, the need for international cooperation, and the ability to integrate and deploy these systems overseas. These provisions represent the best approach to addressing this issue and will help to answer important operational and economic questions that will be critical to understanding how to effectively implement improved container scanning.

We also urge the Senate to remember that current security procedures do a great deal to ensure that U.S. bound cargo is safe. The Customs and Border Protection Agency conducts sophisticated analyses of shipment data for all U.S. bound cargo before it is loaded on vessels. This is known as the ''24–Hour Rule,'' and with this information, CBP conducts a risk assessment through its Automated Targeting System to determine which containers pose the highest risk. One hundred percent of containers that are deemed to be ''high-risk'' are then inspected. In addition, CBP is in the process of deploying Radiation Portal Monitors (RPMs) at all U.S. ports and plans to have close to 100 percent implementation by the end of 2007.

We urge the Senate to pass legislation that builds on this and the other effective procedures that make up the well-established multi-layered risk assessment model used by the Department of Homeland Security (DHS), the Coast Guard, CBP and other government agencies. Congress should outline policies and goals and let DHS find the best and most effective way to meet those goals. Before any technology is mandated, the government should ensure the technology's functionality and application. In addition, government must continue to work with the private sector users of the system to determine the best methods to deploy new technologies in order to achieve maximum results.

We look forward to working with you on improving the public-private partnership to enhance supply chain security. And again, we urge you to oppose any amendment mandating 100% container scanning.

Sincerely,

Agriculture Ocean Transportation Coalition.
Airforwarders Association.
American Apparel & Footwear Association (AAFA).
American Association of Exporters and Importers.
Coalition of New England Companies for Trade.
Food Marketing Institute.
Footwear Distributors and Retailers of America.
Free Trade Alliance.
Joint Industry Group.
National Association of Manufacturers.
National Association of Wholesaler-Distributors.
National Customs Brokers and Forwarders Association of America.
National Fisheries Institute.
National Retail Federation.
Pacific Coast Council of Customs Brokers and Freight Forwarders.
Panasonic Corporation of North America.
Retail Industry Leaders Association.
The National Industrial Transportation League.
Transportation Intermediaries Association.
Travel Goods Association.
Travel Industry Association.
United States Association of Importers of Textiles and Apparel.
U.S. Business Alliance for Customs Modernization.
United States Chamber of Commerce.

Mr. COLEMAN. Mr. President, I rise in support of the Port Security Improvement Act of 2006.

Imagine this scenario: Shortly after 9 a.m. on a beautiful autumn day, an improvised nuclear device explodes on the National Mall in Washington, DC. Within seconds, the U.S. Capitol and the White House are flattened and a plume of radiation spreads to the surrounding suburbs. Intelligence sources quickly determine that this weapon was smuggled through a United States port in a maritime container. Unfortunately, this horrific scenario is not just a plot for the television show ''24''—it is the paramount security challenge facing our Nation and should be our foremost concern.

Many experts believe that a maritime container is the ideal platform to transport nuclear or radiological material or a nuclear device into the United States. As the 9/11 Commission put it so succinctly, ''opportunities to do harm are as great, or greater, in maritime or surface transportation.'' Since 90 percent of global trade moves in maritime containers, we can not allow these containers to be utilized to transport weapons of mass destruction. The consequences of such an event would be devastating to our way of life and our economy.

For instance, the Congressional Budget Office at my request studied the economic consequences of an attack upon the Ports of Los Angeles and Long Beach. CBO found our Nation's gross domestic product would decline by about $150 million per day for each day these two ports are closed, and that the annual cost of closing these ports would escalate to nearly $70 billion. While CBO did not analyze the cost to human life and property of such a terrorist attack, the economic impact of closing the ports could be comparable to both the attacks of 9/11 and Hurricane Katrina. We cannot afford that type of devastation.

Instead, we must secure our supply chain before we pay the high price of an attack and seek the appropriate balance between two often competing priorities: security and speed. Former Customs and Border Protection Commissioner Bonner had the vision to address this grave threat and balance those two priorities after the September 11 attacks. This balancing act resulted in the creation of two prominent homeland security programs—the Container Security Initiative, or CSI, and the Customs-Trade Partnership Against Terrorism, or C-TPAT. CSI effectively pushed our borders out by placing CBP offices in foreign ports to inspect containers before they reach our shores. C-TPAT exemplified a true public-private partnership, in which the private sector took a leading role in securing its supply chain. These programs alone are laudable—but due to the sheer magnitude of the challenge of securing the global supply chain—we must continue to improve upon these promising initiatives.

With that in mind, as chairman of the Permanent Subcommittee on Investigations, I have directed the subcommittee's 3-year effort to bolster America's port security and supply chain security. We have identified numerous weaknesses in our programs that secure the global supply chain. A brief overview of these problems illustrates the challenges confronting these efforts:

In CSI, the subcommittee found that only a de minimus number of such high-risk containers are actually inspected. In fact, the vast majority of high-risk containers are simply not inspected overseas. To make matters worse, the U.S. Government has not established minimum standards for these inspections.

The subcommittee initially found that an overwhelming proportion of C-TPAT companies enjoy the benefits before DHS conducts a thorough on-site inspection, called a validation. As of July 2006 this proportion has improved considerably to where 49 percent of the participating companies have been subjected to a validation. But this still leaves 51 percent of companies that have not been subjected to any legitimate, on-site review to ensure that their security practices pass muster.

The subcommittee found that DHS uses a flawed system to identify high-risk shipping containers entering U.S. ports. According to CBP officials, this system is largely dependent on ''one of the least reliable or useful types of information for targeting purposes,'' including cargo manifest data and bills of lading. Moreover, the subcommittee found that this targeting system has never been tested or validated, and may not discern actual, realistic risks.

Currently, only 70 percent of cargo containers entering U.S. ports are screened for nuclear or radiological

materials. One part of the problem is that the deployment of radiation detection equipment is woefully behind schedule. As of August 29, 2006, the Department of Homeland Security has deployed only 43 percent of the necessary radiation monitors at priority seaports.

These are just a handful of the significant problems the Subcommittee discovered. In short, America's supply chain security remains vulnerable to proverbial Trojan Horse—America's enemies could compromise the global supply chain to smuggle a weapon of mass destruction, WMD, or even terrorists, into this country.

This legislation tackles these concerns—and many other weaknesses—head-on.

Here are some highlights of this important legislation:

This bill addresses the problem of inadequate nuclear and radiological screening, by requiring the Secretary of DHS to develop a strategy for deployment of radiation detection capabilities and mandating that, by December 2007, all containers entering the U.S. through the busiest 22 seaports shall be examined for radiation.

The bill will require DHS to develop, implement, and update a strategic plan improve the security of the international cargo supply chain. In particular the plan will identify and address gaps, provide improvements and goals, and establish protocols for the resumption of trade after a critical incident.

Instead of the unreliable data that CBP currently demands to target high-risk containers, DHS would be required to identify and request essential information about containers moving through the international supply chain.

Under this bill, DHS would be required promulgate a rule to establish minimum standards and to procedures for securing containers in transit to the U.S.

The bill provides ongressional authorization for the CSI program, empowering CBP to identify, examine or search maritime containers before U.S.-bound cargo is loaded in a foreign port. DHS would establish standards for the use of screening and radiation detection equipment at CSI ports.

Congress also authorizes C–TPAT, the voluntary program that strengthens international supply chain and border security and facilitates the movement of secure cargo. The bill establishes certain minimum security and other requirements that applicants must meet to be eligible for C–TPAT.

As you can see from this brief recap, this bill is wide-ranging and addresses many of the critical problems facing the security of our ports. It is therefore crucial that we pass this important legislation.

Even if we pass this bill, however, our job is not yet done. We still need to look to the future and develop even more effective and advanced programs and technology. Last December, I traveled to Hong Kong to examine the world's largest port. In addition to meeting the impressive CSI team and observing the close relationship between Hong Kong Customs and CBP, I examined a promising screening concept piloted by the association that operates Hong Kong's container terminal. There, containers are screened with both x-ray and radiation detection equipment.

Effectively screening containers with both an x-ray a radiation scan is the only definitive answer to the perplexing and most important question of ''what's in the box?'' However, in Fiscal Year 2005, only 0.38 percent of containers were screened with a nonintrusive imaging device and only 2.8 percent of containers were screened for radiation prior to entering the United States. DHS' efforts have improved somewhat from last year's paltry numbers, but we have more work to do. To date, DHS still uses a risk-based approach that targets only high-risk containers. While this approach is fundamentally sound, the system used to target high-risk containers has yet to be validated or proven to accurately identify high-risk containers. Moreover, the validity of the intelligence used to enhance this system's targeting ability is increasingly in question. Thus, we need to both enhance our targeting capability and use technology to enhance our ability to increase inspections—without impeding the flow of commerce. I believe the Hong Kong concept holds great promise to achieve this goal of enhancing inspections without impeding commerce.

While the United States currently inspects approximately 5 percent of all maritime containers, the pilot project in the Port of Hong Kong demonstrates the potential to scan 100 percent of all shipping containers. Each container in the Hong Kong port flows through an integrated system featuring an imaging machine, a radiation scan, and a system to identify the container. Coupling these technologies together allows for the most complete scan of a container currently available. The Hong Kong concept or similar technology, which is described in detail in this report, holds great promise and could lead to a dramatic improvement in the efficacy of our supply chain security. These improvements would help ensure that the threat of Trojan horse infiltration by terrorists never becomes a reality.

I am pleased to say that this legislation develops a pilot program in three foreign seaports, each with unique features and varying levels of trade volume to test integrated scanning systems using non-intrusive inspection and radiation detection equipment. It requires full-scale pilot implementation within 1 year after enactment and an evaluation report would be required to be submitted to Congress 120 days after full implementation of the pilot. If the pilot programs prove successful, then full scale implementation would expeditiously follow.

The bottom line is this: we are safer now than we were yesterday, but we are not safe enough. The question then becomes: how do we get there? In the words of the hockey legend Wayne Gretzky, ''A good hockey player plays where the puck is. A great hockey player plays where the puck is going to be.'' In other words, we cannot safeguard a post-9/11 America by using pre-9/11 methods. If we think that the terrorists are not plotting their next move, we are mistaken. We must find where the gaps are in our Nation's homeland security and close them before an attack happens. That is the only way to guarantee our security.

The Port Security Improvement Act of 2006 closes gaps in our homeland security and makes us safer. In closing, I want to say that it has been an honor to work with such a distinguished and bipartisan group of Senators such as Senators STEVENS, COLLINS, GRASSLEY, INOUYE, BAUCUS and LIEBERMAN. This legislation is cogent and will be effective because of the knowledge and experience of this group of Senators. I am proud to be an original sponsor of this legislation.

Mr. President, I ask unanimous consent that a Washington Post editorial dated June 1, 2006, be printed in the RECORD.

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

[From the Washington Post, June 1, 2006]

THE RIGHT KIND OF SECURITY

It was the Dubai port uproar that didn't roar: When a House committee voted this spring against an amendment that would have required all cargo containers bound for this country to be individually inspected in their ports of origin, Congress temporarily put to rest what could have been yet another hyped-up wave of politically motivated anxiety about American port security. Although the House later passed a bill that provides extra funding for nuclear screening and other measures, Democrats vowed to bring up the inspection issue again—and ran advertisements around the country attacking Republicans who oppose it. Before the ''inspect every container'' mantra becomes a national war cry, it's important to point out that this is a terrible idea.

Someday, perhaps, advanced X-ray technology may be developed to the point where it's possible to beam a scanner at each one of the 11 million U.S.-bound containers at every port in the world and obtain an instant assessment of what's inside. But while some promising technologies are available, none is perfect, and all of them require a human being to analyze the scans. This not only takes time but also presumes the existence of thousands of trained scan readers around the world. In the absence of such workers, U.S. port and customs authorities examine information about each container—where it's coming from, which shipping company is carrying it—and determine whether it is risky enough to merit inspection, either here or abroad. In practice, this results in inspections of about 5 percent of all containers. Even now, U.S. customs officers must rely on the cooperation of foreign authorities to carry out this many inspections.

Homeland security officials could do more. Only about half of incoming containers are

subjected to a radiation scan, a number that should rapidly be brought up to 100 percent, as the new House bill requires. Ports are also vulnerable because drivers and dockworkers are not thoroughly screened. Raising the number of U.S. inspectors in foreign ports could also make the inspection system safer. But ''inspect 100 percent of containers'' is a slogan, not a solution, and we hope lawmakers resist the temptation to use it in the election season to come.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the port security bill being considered before the Senate. This legislation is of particular importance to my home State of California, and I am deeply grateful to Senators COLLINS and MURRAY and all the others who have worked so diligently to craft this comprehensive and bipartisan effort to better protect our Nation's ports.

It is no secret that I have long considered security at our Nation's ports to be a significant hole in homeland security. The global maritime supply chain system is a vast network consisting of hundreds of ports worldwide moving millions of containers each year, and frankly I don't believe this Nation has done nearly enough since 9/11 to improve the security of our ports.

As has been repeated many times on this floor, only 5 percent of containers entering the country are inspected, meaning that millions of tons of cargo move through our ports without serious scrutiny.

With its long coastline, California is vulnerable. My home State receives containers from more than 750 different ports worldwide and is home to the Ports of Los Angeles and Long Beach, which is the busiest container port complex in the entire United States, processing 7.2 million containers in 2005.

To highlight the risk we face, I cite a Rand Corporation report released last month. If a 10-kiloton nuclear bomb, hidden in a shipping container, were to explode at the Port of Long Beach, it could kill 60,000 people instantly, expose another 150,000 to hazardous levels of radiation, and cause $1 trillion in economic losses.

Needless to say, this is an issue of great importance to my constituents and the economic welfare of the State. I believe strongly that the need for action to better protect our ports is essential and it must happen now.

I am glad to say that this port security measure takes a number of critical steps toward filling the gaps in security at our Nation's ports.

This legislation directs the Department of Homeland Security to work with State and local governments to create a strategic plan to secure our ports and prepare for a swift resumption of trade in the event of an attack. We learned by devastating experience during Hurricane Katrina what happens when Federal, State, and local governments do not have an integrated plan for responding to and recovering from a catastrophic event.

The bill authorizes $400 million in competitive grants to help ports address security vulnerabilities, $1.2 billion for rail security improvements, and $3.4 billion for mass transit security.

In addition, 1,000 more Customs and Border Protection agents will be patrolling our Nation's ports of entry thanks to this legislation.

But despite the advances of this legislation, there still remains much work to do.

We cannot stop until all containers are fully scanned for radiation and by other means including full x-rays of all containers. It was a disappointment that amendments to initiate a plan for 100 percent scanning were rejected this week.

In fact, this bill does nothing substantive to increase the number of containers inspected before reaching our shores. It is clear to me that only inspecting 5 percent of containers is unacceptable.

Moving forward, a clear test of this Congress will come when the time arrives to appropriate funds for many of the programs authorized in this bill, including grants for port security. To tell the truth, much of what is accomplished will be for naught if we don't provide the funds necessary to get the job done.

As a member of the Appropriations Committee, I plan to do whatever I can to make these funds available. They are simply too important to my State and too important to this Nation.

Again, I thank my colleagues for their efforts on this bill and express my hope that we can continue to work towards filling the gaps in security at our ports.

Mr. LIEBERMAN. Mr. President, passage of this vital port security legislation is a tremendous achievement, and I wish to extend thanks to my hard-working staff members, Jason Yanussi and Josh Levy—as well as the staff of all the involved committees—for all their effort to bring this legislation to fruition.

VISIT TO THE SENATE BY A MEMBER OF THE LEBANESE PARLIAMENT

Mr. ENZI. Mr. President, I want to announce to the Senate that we have a visiting Member of Lebanon's Parliament, Mr. Misbah Ahdab, if any Senators would like to come by and say hello.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, we are on the verge of passing major port security legislation that will provide the structures and resources needed to better protect the American people from attack through seaports that are both vulnerable points of entry and vital centers of economic activity.

I wish to thank all those who have been involved in this effort: the ranking member of the Homeland Security Committee, Senator LIEBERMAN; the Commerce Committee chairman and ranking member; Senator GRASSLEY and Senator BAUCUS on the Finance Committee. Most of all, I thank Senator PATTY MURRAY, who has been my partner in the port security legislation from conception to this day. It has been a great honor and pleasure to work with her.

I have a list of the hard-working staff, my staff on the Homeland Security Committee, who have worked on this issue. I ask unanimous consent that a list of their names be printed in the RECORD.

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

PORT SECURITY TEAM

Rob Strayer, Mark Winter, Jon Nass, Allison Boyd, Amy Hall, Melvin Albritton, Mark LeDuc, Jane Alonso, Ann Fisher, John Grant, Asha Mathews, Kurt Schmautz, Jay Maroney, Amanda Wood, Jennifer Hemingway, Sarah Taylor, Brooke Hayes, Kate Alford, Amanda Hill, Priscilla Hanley, Monica Wickey, and Tom Bishop.

Detailees: Steve Midas, Coast Guard; Jennifer Boone, FBI; and Mike Moncibaiz, CBP.

Ms. COLLINS. I see our colleagues are eager to vote, so I yield the floor.

The PRESIDING OFFICER. Who seeks time? The Senator from Hawaii?

Mr. INOUYE. Mr. President, this is a bipartisan measure. I am proud to support this bill. I believe all that has to be said has been said. But I would like to thank those on our side who have been helpful: Dabney Hegg and her baby, Sam Whitehorn, Lila Helms, Gael Sullivan, Stephen Gardner, James Assey, and Margaret Cummisky. Without their help, we would still be here.

Mrs. MURRAY. Mr. President, I add my voice to all Senators who in a bipartisan way have helped move this bill forward.

They say that ''success has a thousand authors''—and that is certainly true in the 5 years I have been working on port security.

First, I thank my partner, Senator COLLINS. Last May, I sought out Senator COLLINS because I knew she cared about port security. She had worked on it at the Homeland Security Committee and she had the knowledge and leadership to help us reach this milestone. She has been a steadfast partner every day of the past 16 months that we have worked together, and I commend her and thank her.

Senators LIEBERMAN and COLEMAN were right there with us shaping this bill in the early days and helping us move it forward.

I thank Senator STEVENS and Senator INOUYE at the Commerce Committee for their hard work, leadership, and passion.

I thank Senators GRASSLEY and BAUCUS for working with us on this bill.

I thank both of our leaders—for setting aside time so we could debate the bill.

I thank all the leaders from the maritime community who have shared their ideas and expertise with me—Mic Dinsmore, Henry Yates, and Rod Hilden at the Port of Seattle; Tim Farrell, Mike Zachary, and Julie Collins at the Port of Tacoma; and also leaders at the ports of New York/New

Jersey, Los Angeles, Long Beach, Charleston, Miami, and MassPort in Boston.

I want to thank security experts, especially Admiral James Loy and Dr. Stephen Flynn, for their thoughtful input on our bill.

Finally, there are a number of staff members who helped shape this bill.

Brian White—who now runs Cargo Security Policy at DHS, and Michel Bobb—who is at OMB—provided critical help.

I thank the outstanding floor staff on each side and staff from various committees who spent long hours all week working to make this bill better.

Thank you especially to: Dabney Hegg, Sam Whitehorn, Ray Shepherd, Jason Yanussi, and Ken Nahigian.

Finally, from my own staff, Jason Park and Lesley Turner have been at my side here on the floor along with Mike Spahn.

And I additionally thank Rick Desimone, Alex Glass, Pete Weissman and Matt McAlvanah from my staff.

I say to my colleagues, we are making a significant step forward in a bipartisan way this evening to finally make a difference on security in this country. I want to tell the country we still have a ways to go in getting it to conference, which I know will occur shortly, and to the President's desk, hopefully in a short amount of time as well. But I will tell you this: America can sleep better because this Congress worked together, and I thank all my colleagues.

The PRESIDING OFFICER. The minority leader.

Mr. REID. I wish to express my appreciation to all the managers and particularly Senator MURRAY, who has worked so hard, working with these amendments through the last few days. We always say nice things about Senator INOUYE, so that is nothing new. Senator MURRAY is a wonderful legislator who does such a great job.

We look forward to going to conference. We are going to do our very best to get a conference as soon as we can. It is not easy. We have multiple committees of jurisdiction. I talked with Senator SARBANES earlier today. Even Banking is now interested in being on the conference. We are going to do our best to work something out in the near future.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, securing our ports is vital to our economy. More than 11 million cargo containers enter our country every day, and waterborne cargo contributes more than $742 billion to the U.S. gross domestic product. But our ports are not isolated commercial operations. Our waterways and ports are linked to 152,000 miles of railway, 460,000 miles of underground pipelines, and 40,000 miles of interstate highways. The bill the Senate will pass today not only strengthens security at our land and seaports, it addresses trucking, railroad, and pipeline security. I believe this is the most comprehensive approach to border security we have taken to date. The provisions of this bill will help ensure the safety of our Nation, our cities, and our system of commerce.

Mr. President, the passage of this port security legislation by the Senate today will mark the end of a long Senate bipartisan, 3-committee process of which we all may be proud. The Commerce, Homeland, and Finance Committees have tremendous knowledge about our ports and the programs which protect and secure the international supply chain. It is a credit to this Senate that each committee agreed to pool their resources, put aside jurisdictional issues, and develop a strong and comprehensive piece of legislation.

I thank Senator COLLINS for her steadfast dedication to this bill, as well as Senators MURRAY, LIEBERMAN, GRASSLEY, BAUCUS, and COLEMAN. And I particularly thank my great friend and Commerce Committee cochairman, Senator INOUYE, for his lasting commitment to securing our Nation's ports.

As I said, securing our ports is vital to our economy. More than 11 million cargo containers enter our country every day, and waterborne cargo contributes more than $742 billion to the U.S. gross domestic product.

But our ports are not isolated commercial operations. Our waterways and ports link to 152,000 miles of railways, 460,000 miles of underground pipelines, and 45,000 miles of interstate highways. The bill the Senate will pass today not only strengthens security at our land and seaports; it addresses trucking, railroad, and pipeline security. I believe this is the most comprehensive approach to border security we have taken to date. The provisions in this bill will help ensure the safety of our Nation, our citizens, and our system of commerce.

This bill enhances current programs designed to gather and analyze information about cargo destined for U.S. ports, and significantly expands on the current program for randomly scanning containers. This bill moves us toward 100 percent scanning of all cargo containers entering our country once the process becomes feasible.

This bill is essential to the security of our Nation. It is my hope that the House and Senate will make this a priority and get it to the President soon.

I ask unanimous consent to have printed in the RECORD a list of the dedicated staff who worked so hard with all of us, and I yield the remainder of our time.

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

COMMITTEE STAFF INVOLVED WITH PORT SECURITY

HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE

Senator Collins's Staff: Rob Strayer, Mark Winter, Jane Alonzo, Ann Fisher, Michael Bopp (former staff), Kathy Kraninger (former staff), Melvin Albritton.

Senator Lieberman's Staff: Jason Yanussi.

Senator Coleman's Staff: Ray Shepherd.

FINANCE COMMITTEE

Senator Grassley's Staff: Stephen Schaefer, Tiffany McCullen.

Senator Baucus's Staff: Anya Landau, Brian Pomper, Mary Lisa Madell.

COMMERCE COMMITTEE

Senator Inouye's Staff: Dabney Hegg, Sam Whitehorn, Stephen Gardner, Channon Hanna, Gael Sullivan.

Senator Stevens's Staff: Dave Wonnenberg, Ken Nahigian, Pamela Friedmann (on detail from TSA), Mark Delich, Becky Hooks.

The PRESIDING OFFICER. All time has expired. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4954) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Ms. COLLINS. I ask for the yeas and nays.

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

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—98

Alexander	Dorgan	McConnell
Allard	Durbin	Menendez
Allen	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burns	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Santorum
Cantwell	Inouye	Sarbanes
Carper	Isakson	Schumer
Chambliss	Jeffords	Sessions
Clinton	Johnson	Shelby
Coburn	Kennedy	Smith
Cochran	Kerry	Snowe
Coleman	Kohl	Specter
Collins	Kyl	Stabenow
Conrad	Landrieu	Stevens
Cornyn	Lautenberg	Sununu
Craig	Leahy	Talent
Crapo	Levin	Thomas
Dayton	Lieberman	Thune
DeMint	Lincoln	Vitter
DeWine	Lott	Voinovich
Dodd	Lugar	Warner
Dole	Martinez	Wyden
Domenici	McCain	

NOT VOTING—2

Akaka	Chafee

The bill (H.R. 4954), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mrs. MURRAY. I move to reconsider the vote.

Ms. COLLINS. 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 Kansas.

MORNING BUSINESS

Mr. BROWNBACK. I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes.

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

Mr. BROWNBACK. I ask unanimous consent the following Senators be recognized to speak: myself, for 10 minutes; Senator LINCOLN, for 10 minutes; Senator DODD, for 15 minutes; and Senator STABENOW, for 10 minutes.

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

SAFE PORT ACT

Mr. BROWNBACK. Mr. President, I congratulate my colleague from Maine on an excellent accomplishment, a huge vote on an important piece of legislation. It is critical. A number of colleagues, the Senator from Wyoming and others on both sides of the aisle, did so much good work on this legislation.

DARFUR

Mr. BROWNBACK. Mr. President, I will not take my colleagues' time for long, but I draw attention to a situation that has further developed—or devolved and deteriorated—and that is the situation in Darfur. It is a situation this Senate has spoken to often. We have spoken on resolutions, on amendments; we have added funds.

What we have feared is now upon us. We are now seeing in the IDP camps, the individuals that are displaced internally, diseases such as asthma, malaria, cholera and dysentery. We have had 12 humanitarian workers killed in the last 2 months. That is driving a number of the humanitarian groups out of the region. The NGO, the nongovernment organizations, currently now serve only 60 percent of the people they were serving. The Government of Sudan has reportedly resumed aerial bombings taking place in the northern and southern parts of Darfur.

The situation is growing worse. We don't know how many people have died already, but it is set to escalate rapidly. NGOs are fleeing because people are getting killed. The people are concentrated in the camps. They are now not getting food and clean water.

Now we have cholera, more misery, malaria and the numbers of people getting killed escalating dramatically. It is going to escalate further and more dramatically if we do not act.

We have the government in Khartoum saying they want the African Union troops out.

We do not have a big enough force there now. They are scheduled to leave the end of September. We have a United Nations group that is forming to go in, and the government in Khartoum, Sudan, is saying, We are not going to let them in.

We have African Union troops preparing to leave. We have the U.N. troops not yet prepared to come in or being allowed in. And we have chaos. There are a lot of people dying in this region. It is escalating. It is time we step up and push again.

This Senate has been excellent on this issue. The administration has been very good. I cite particularly Assistant Secretary Zoellick who spent a lot of time working on this issue, trying to bring people together, getting a peace agreement signed a couple of months ago. It was an important peace agreement.

The problem that has taken place now, after the peace agreement was signed, the African Union troops were starting to organize to pull out, the government of President al-Bashir in the Sudan decided: This is our time to take over because the rest of the world is looking at Lebanon, they are dealing with Hezbollah, the United States is focused on its election cycle. This is the time for us to move.

This is a very difficult, dire situation for people on the ground. I met with a number of the aid organizations today. Their people are getting killed, so they are pulling back, as I cited.

When this situation first started developing about 3 years ago, the very situation we are most concerned about is a lot of people getting into the displaced camps, not having access to clean water, disease spreading in the camps, spreading because of the concentration of individuals and the lack of sanitation and clean water, and we really get a mess. That is now where we are.

Mrs. BOXER. Will the Senator yield?

Mr. BROWNBACK. Yes.

Mrs. BOXER. I thank Senator BROWNBACK for raising this issue. We are in a do-or-die moment. We have been there before. I am reading that certain experts are saying in 2 weeks there could be another Rwanda.

I am very glad the Senator is speaking out. I was very glad this Senate did act, as we know, on a measure last week, actually voting to send $20 million to the African nations to carry on, as my friend points out. If they do not do it, there is a void. What will fill the void will be disease, rapes, killings and, I hate to say it, continued genocide.

I am glad the Senator raised this. The hours are running short. We did vote. It is important we use our bully pulpit in whatever way we can. I personally will be going to the United Nations on Monday literally to knock on doors. I am setting up some appointments. We have to do everything we can to prevent this worsening situation from getting to the point where it is unsalvageable.

I thank the Senator for his efforts.

Mr. BROWNBACK. I thank my colleague for her interest. I wish her Godspeed in New York with the U.N.

My colleague in Connecticut will address this same topic. It is very important to speak. We need to pass the Darfur Accountability Act. It has passed here and in the House. We need to resolve the issues.

It is important that the President, in his meetings at the U.N. for General Assembly meetings, raise this issue. It is important to press the Sudanese Government to stop the aerial bombings—they can do that first and foremost—and that the African Union forces stay until a U.N. force is put in place, we pressure the Sudanese Government to accept a U.N. force, or, if not, put in targeted sanctions toward Sudanese officials preventing traveling, dealing with their own personal accounts.

There are a series of recommendations of a number of Senators addressed in a letter to the President. It is a bipartisan effort. It is a genocide already. It is one that is set to become a far worse situation.

We really need to act.

I yield to the floor to the set of speakers listed.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I join my colleague from California in thanking Senator BROWNBACK for bringing this issue forward. He has been a tremendous supporter of taking action. He brings to light, tonight, the fact we have to act and we have to act expeditiously.

As the situation deteriorates, unfortunately, it moves closer toward a situation that we can do nothing about. I appreciate all of the Senator's efforts in what he is doing for the people of Darfur.

RURAL AMERICA MONTH

Mrs. LINCOLN. Mr. President, I was so pleased this week as the daughter of a seventh generation Arkansas farm family from rural eastern Arkansas, and it is with a tremendous amount of pride I come to the Senate today to applaud the passage of Senate Resolution 561 which designates September of 2006 as Rural America Month. I was pleased to introduce this resolution last week with Senator REID, Senator FRIST, and many of my colleagues.

Rural America means a tremendous amount to this Nation. It is the place where our values oftentimes begin and grow. We send people from rural America not just to the big cities of America, but all across the globe to exhibit those American values that grow and begin in rural America.

My values and my world view are directly tied to how I was raised in a