

economic loss that would ensue. We are aware that many plants and retailers now rely on just-in-time inventories that bring goods to their stores.

I think we should look back at 9/11 and look at what happened to our system of commercial aircraft when we had the attacks on our airplanes. In fact, commercial aircraft were grounded for a number of days. And just as that happened 5 years ago, an attack on any one of our ports would most likely result in the closure of all ports, and the economic consequences would be devastating. It would affect the farmers in the Midwest, who would be unable to ship their crops. It would affect retailers across the country, who would soon have empty shelves. It would affect factories that would be forced to shut down and lay off workers because of the loss of vital parts.

The best example I can give you of what the economic impact would be is to look back at the west coast dock strike of 2002. Unlike any terror attack, that was both peaceful and anticipated, and yet it cost the economy \$1 billion a day for each of the 10 days it lasted.

Since the attacks on our country 5 years ago, there have been some actions taken to improve security at our seaports. For example, the Department of Homeland Security instituted several important port security programs such as the Container Security Initiative and what is known as C-TPAT, the Customs-Trade Partnership Against Terrorism Program. Unfortunately, the investigation led by the Senator from Minnesota has demonstrated that those programs have been very unevenly implemented. Some have lagged, and some have not been effective because there has not been the proper verification that has been needed.

What our legislation would do is provide the structures and the resources to strengthen those programs. The legislation before us is a comprehensive approach that addresses all levels and all major aspects of maritime cargo security.

It will require the Department of Homeland Security to develop a comprehensive strategic plan for all transportation modes by which cargo moves into, within, and out of U.S. ports.

It requires the Department of Homeland Security to develop protocols for restarting our ports if there were an incident, which we certainly hope this legislation will prevent or help prevent any attack on our seaports, but if one does occur, it is essential the Federal Government have a plan for reopening the ports and releasing cargo as soon as possible. Unfortunately, and in my opinion amazingly, we do not have such a plan today. So we will require the Department of Homeland Security to develop such a plan.

We authorize \$400 million for each of the next 5 years in risk-based port security grants. We also authorize training and exercises that we know are key to preparedness and effective response.

We improve and expand several security programs, such as the Container Security Initiative, the C-TPAT Program, and we establish deadlines for action on these programs.

We provide additional incentives for shippers and importers to meet the highest level of cargo-security standards. We also make sure the Department is meeting deadlines for such essential programs as the TWIC Program.

Another critical provision in this bill is the requirement that all containers at our 22 largest ports be scanned for radiation by the end of next year. All the 22 largest ports, which handle 98 percent or virtually all cargo, would be required to have radiation detection devices in place by the end of next year. We also expand the radiation scanning that is done at foreign ports through the CSI program and the Megaports program. Obviously, our goal is to push off our shores and keep the danger from ever getting to our shores in the first place.

Another security measure is the vital transportation Worker Identification Credential, or the so-called TWIC, Program. It has languished for years, and it should not have because the TWIC Program is necessary to control access to port facilities and vessels, and it is a vital program.

We also—I know this has been of great interest to the Presiding Officer—establish a pilot program with real deadlines and real results at three foreign ports to test the feasibility of doing a nonintrusive scan; in other words, sort of an x ray of every container, have that scan actually analyzed, and combine it with a radiation scan.

That is going to allow us, eventually, to get to the goal, once the technology is there, of a 100-percent integrated scanning program.

There is still work to be done to address security for other modes of transportation, such as rail and mass transit. But tonight we should take great pride in the great progress we have made in strengthening the security of our seaports.

Thank you, Mr. President.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 483, which the clerk will report by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 483) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The Senate proceeded to consider the concurrent resolution.

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

The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I yield 2 minutes to our friend from Delaware.

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

The Senator from Delaware.

SAFE PORT ACT

Mr. CARPER. Mr. President, I thank my friend for yielding to me.

While Senator COLLINS is still on the floor, I want to take a moment to say, Mr. President, if you go back 5 years ago and consider the tragedies that befell our Nation on September 11, it opened our eyes to the kind of threats we face with respect to the security of our air travel. It served to open our eyes, subsequently, with respect to the security of our ports, with the security of our chemical plants and the communities that are located around them. I think we have had our eyes opened to security threats that maybe face people who travel on our trains and our commuter rail systems.

We have seen all too well how inadequately—ineptly, really—FEMA responded to the Katrina and the gulf coast part of our country. I think most of us agree today we are better equipped now to fend off threats to the security of our air travel. And I think with respect to the security of our ports, with this legislation Senator COLLINS and Senator MURRAY have shepherded, which the Presiding Officer has contributed greatly to, we have made real progress; some would say maybe not enough, but I think everybody would say measurable, palpable progress.

I know there are folks who have been critical of the fact that we have not included the rail and transit provisions in this final conference report, which were included in our Senate-passed version. I wish they were there. We have a lot of people who travel on the rail and transit systems, with, I think, about 9 billion trips this year, and there is a threat to many of them—not all of them but to many of them.

But there is good work that has been done with respect to chemical security. FEMA has been overhauled, and I think maybe not transformed but I think significantly improved.

One of the constant threads within all of that has been Senator COLLINS, as the chairman of the Homeland Security and Governmental Affairs Committee. I just want to stand here tonight and say that this is yet another conference she has helped to direct and steer, as it comes to a conclusion. I commend her, and certainly Senator MURRAY, who has worked closely with her. I commend them and the Presiding Officer and others for the good work they have done.

I acknowledge we have some more work to do with rail and transit security. My hope is we will do that when we return next January.

Thank you very much. And I again thank my friend for yielding.

The PRESIDING OFFICER. The Senator from Michigan.

#### DEFENSE AUTHORIZATION

Mr. LEVIN. Mr. President, every year since 1961, there has been an annual Defense authorization bill enacted. This year—

Mr. WARNER. Mr. President, I wonder if the Senator would yield to me for a moment?

Mr. LEVIN. I would be happy to.

Mr. WARNER. For the purpose of putting in a quorum call.

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.

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

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

Mr. LEVIN. Mr. President, every year since 1961 there has been an annual Defense authorization bill enacted. This year, like the previous 44 years, conferees and staff have worked extraordinarily hard and cooperated on a bi-partisan basis to get us to this point in our deliberations on this bill that means so much to our country. The fact that we are keeping up our decades-long tradition is reason enough to be proud, but what I am even prouder of is the leadership that our chairman and my friend, Senator WARNER, has invested in getting us to this point.

This bill is essential to the men and women of our Armed Forces.

I am pleased that the conference report reflects Senate's longstanding commitment to a larger Army and Marine Corps. We authorized an increase of 1000 active duty marines for an authorized end strength of 180,000, 5,000 more than the administration requested. We also authorized an active duty end strength for the Army of 512,400, 30,000 more than requested.

I am delighted that, after several years of fighting for it, we have finally been able to authorize the TRICARE health care benefit for all members of the Selected Reserve and their families for a reasonable premium that is 28 percent of the cost of the program. I am also pleased that the conference report prohibits the Department of Defense from increasing enrollment premiums for military retirees and cost shares for prescriptions filled through retail pharmacies while the GAO conducts an audit of the health care program and a Task Force completes a comprehensive assessment of the future of military health care.

The conference report also contains numerous other provisions to enhance the quality of life of our service members and their families, including: paying full replacement value for household goods lost or damaged in military moves; authorizing a total of \$50 mil-

lion in aid to local civilian schools, including \$35 million in supplemental impact aid for schools with large numbers of military dependents, \$5 million children with severe disabilities, and \$10 million for schools affected by significant changes in military dependent students as a result of force structure changes, creation of new military units, and BRAC; and placing restrictions on payday loans to service members and their families.

The conference report also does not include a provision contained in the House Bill that would have provided that "each [military] chaplain shall have the prerogative to pray according to the dictates of the chaplain's own conscience, except as may be limited by military necessity, with any such limitation being imposed in the least restrictive manner feasible."

This is a lot more complicated issue than it seems at the surface. Military chaplains not only minister to members of their own faith group, they also minister to the needs of a diverse group of military members and their families, including those of other faith groups and those who claim no religious faith.

The military services respect the rights of military chaplains to adhere to the tenets of their respective faiths and give them virtually unrestricted discretion as to the content of their religious message when performing core ecclesiastical functions, including worship services, teaching, bible study, counseling, hearing confessions, preaching, and performing religious ceremonies. However, when performing functions at mandatory military events with multi-faith audiences, there is a longstanding military tradition of chaplains offering a prayer that demonstrates sensitivity, respect, and tolerance for all faiths present. Military chaplains are trained and expected to use good judgment when addressing pluralistic audiences at public, non-worship ceremonies, and they are never required to participate in religious activities inconsistent with their beliefs.

The Chiefs of Chaplains from each of the military services have advised us that, if enacted, the House provision would limit chaplain effectiveness and erode unit cohesion. They are concerned that commanders would no longer invite chaplains to pray at ceremonies where faith specific prayers might be offensive to members of other faiths who are required to participate. We have also heard from the National Conference on Ministry to the Armed Forces, an organization that represents the vast majority of military chaplains, and numerous other denominational and religious organizations that support military chaplaincy and respect religious freedom, who oppose the House provision.

The decision that this provision will not be included in the conference report is the right answer in light of the fact that neither the Senate nor the House has held hearings on this very important and complex issue.

Of course, we were not able to get everything we wanted in this conference. For example, I am very disappointed that we were not able to authorize federal pricing for prescriptions filled through the military's TRICARE retail pharmacy program.

Over my objections, the conferees agreed to a House provision regarding an existing settlement agreement between the Federal Government and two private parties regarding the removal of non-native animals from a national park on Santa Rosa Island, CA. This language is also strongly opposed by the two California Senators and by the Energy Committee, which has jurisdiction over this matter. This provision directs the Secretary of Interior not to take certain actions which were not the responsibility of the Secretary in the first place. Therefore, while I do not believe this conference agreement changes the legal obligations of the two private parties to this settlement, I believe this provision is unnecessary and misguided and that it should not have been included.

I am also disappointed that the conference report does not include the Akaka-Collins-Levin amendment on whistleblower protection. This amendment would have addressed gaps that have developed in the protection of federal employee whistleblowers since the enactment of the Whistleblower Protection Act of 1989.

However, the conferees did agree to a number of provisions designed to address wasteful practices and shortcomings in DoD management. These include: a provision prohibiting contractors who perform little or no work on a project from charging excessive "pass-through" fees to the Government; a provision prohibiting the "parking" of funds in a particular part of the Defense budget when the money is not really intended to be used for that purpose; a provision requiring contract oversight mechanisms for the acquisition of major computer systems, similar to the mechanisms already in place for the acquisition of major weapon systems; a provision limiting the use of cost-type contracts for the acquisition of major weapon systems; and a provision requiring that DOD hire and train government employees, in lieu of contractor employees, to perform critical acquisition functions.

I am also pleased that the conferees included a provision that would require a new comprehensive National Intelligence Estimate, NIE, on Iran. This provision also includes a requirement for the President to submit a report to Congress that would fully describe the U.S. policy on Iran.

The conference report also authorizes a responsible budget that tries to balance the need to support current military operations while continuing the modernization and transformation of our armed forces.

To support continuing operations in Iraq and the global war on terrorism, the conference report authorizes a \$70