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Senate

The Senate met at 2 p.m. and was called to order by the President Pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, majestic Father of all creation, speak Your truth to us. Today may our Senators stop in the midst of busyness and listen for Your voice. Give them the discernment to hear You correctly. Grant them the courage to live out Your calling in their lives. Make these leaders work as one body to accomplish Your will. Give them wisdom in their tasks, confidence in the hearing of Your voice, and a love for You as well as each other.

Remind us all of the truth that neither death nor life, nor height nor depth, nor any created thing can separate us from Your love.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this afternoon, the order provides for resuming debate on the supplemental appropriations bill. I believe after the remarks of the two leaders, there are a couple of Senators, including our distinguished President pro tempore, who desire to speak on other subjects. The chairman will then be ready to resume debate on the pending emergency supplemental bill. I remind all Senators that I filed a cloture motion on the bill last week and that vote will occur tomorrow morning. In accordance with that cloture motion, all first-degree amendments should be filed at the desk by 2:30 this afternoon. We already have a large number of pending amendments that will need to be disposed of. If we are able to invoke cloture on the bill tomorrow morning, then it is my expectation to finish the bill no later than Wednesday of this week. Therefore, we will have rollcall votes each day of this week as we complete work on this appropriations bill.

Our first rollcall vote this week will occur this afternoon at 5:30. We will have a vote on a district judge who was reported by the Judiciary Committee last week. This week we may also consider the tax relief extension conference report, if that conference report becomes available. There is a 10-hour statutory limit on that measure, and we will begin debate under that time limit as soon as that conference report arrives from the House.

ENERGY

Mr. FRIST. Mr. President, over the weekend, we got more bad news on the rising price of gas. Energy Secretary Samuel Bodman told us to expect high gas prices to continue for 2 to 3 more years. In his words, suppliers have lost control of the market.

Every day drivers are getting socked with higher and higher prices at the pump and in some places gas prices are well over $3 per gallon. Worse yet, the situation only threatens to intensify as those summer driving months come into view.

Consumers are understandably frustrated. They are worried. For most families, gas is a basic necessity, and rising gas prices simply put them over a barrel. They need a break. The Republican leadership is delivering a plan.

Last Thursday, we unveiled our proposal to offer immediate short-term relief for American consumers, as well as a broader strategy to increase America's energy supply and to reduce our demand for oil.

We propose giving taxpayers a $100 gas tax holiday rebate check so their hard-earned money goes back into their pockets instead of into their gas tanks.

We also want to make sure consumers are protected against any price gouging or anticompetitive behavior by oil companies or other suppliers of energy. Our proposal includes strong Federal antiprice-gouging protection.

These are two steps we can take right now to offer the consumer immediate relief. But for the midterm and for the long term, we need to get to the root of what is driving oil prices through the roof: basic supply and demand. We don't have enough domestic oil to meet our energy needs, and that global demand is growing day by day.

In order to get control of the problem, we need to increase domestic supplies, supplies at home, and we need to diversify our energy sources.

The package we have introduced promotes the development of alternative fuels in the use of hybrids and other advanced technology vehicles. It also gives Secretary Mineta the authority to issue a rule looking at fuel economy standards for passenger cars.

These two measures address the demand side of the equation, but we also must address the supply side. If President Clinton had not vetoed ANWR a decade ago, ANWR today would be producing a million barrels of oil each and every day right now. A million barrels of supply each day would be coming to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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the continent. That is about three-fourths of what we currently import from all of Saudi Arabia.

We need to open a portion of the Reserve to environmentally sensitive exploration and get that oil to the market. There is no question that tapping into this domestic resource will bring down oil prices.

We also need to expand our refinery capacity. It is amazing, we have not built a new refinery in the United States in over 30 years. It is next to impossible to expand an existing one today.

One reason why gas prices are so high right now is that several refineries are still offline in the wake of Katrina. Several others deferred maintenance to help after the hurricane are performing maintenance now, still at lower than pre-Katrina levels.

Adding refinery capacity will help to increase gasoline supplies and lower prices at the pump. Our plan takes important steps in this direction.

We all know America is dangerously dependent on foreign sources of oil. This dependence compromises our economic and national security. Last summer, after a decade of partisan obstruction, Congress passed a comprehensive Energy bill that goes a long way toward addressing this grave problem. We double the amount of ethanol and biodiesel in our gasoline. By 2012, this should reduce oil consumption by 80,000 barrels a day.

We passed a hybrid car tax credit of up to $3,400 per vehicle.

The Energy bill also allocated significant funding for research and development of hydrogen fuel cells. If just 20 percent of our cars used fuel cell technology, we could cut oil imports by 1.5 million barrels a day.

We need to build on these initiatives and encourage American consumers, producers, and entrepreneurs to think beyond oil. I believe, as does the President, that America's future lies with technology that will allow Americans to use environmentally safe and diverse energy sources. America will be safer, America will be more secure with American energy coming from American sources.

We presented a strong package that will give consumers relief at the pump and will bring down the high cost of gas. I am hopeful we will vote on this package in the coming days. Filling up the tank shouldn't break the bank.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 616

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at 5:30 p.m. today, the Senate proceed to executive session and to a vote on the confirmation of the following judicial nomination on the Executive Calendar: No. 616, Michael Barrett to be U.S. District Judge for the Southern District of Ohio. I further ask unanimous consent that the 20 minutes prior to the vote be divided between the chairman and the ranking member of the Judiciary Committee and that the two Senators from Ohio each be allocated up to 5 minutes; provided further, following the 5:30 p.m. vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, I see my two colleagues in the Chamber, the distinguished Senators from Tennessee and Louisiana, and I see my friend from New Mexico here. I have a statement to give. It will take a few minutes to complete. I apologize, but that is what I have to do. I guess I should make an inquiry. How long are the Senators going to speak?

Mr. ALEXANDER. Five minutes.

Mr. REID. The Senator from New Mexico, it looks like he is loaded for bear there.

Mr. DOMENICI. Mr. President, I have an amendment I am going to introduce on the pending bill. I will not speak longer than 5 minutes on the amendment.

Mr. REID. Mr. President, I can wait and do my speech after that, if that would be OK with my colleagues. It is just a matter of trying to be nice to people. So I ask unanimous consent that the Senator from New Mexico be recognized—or the Senator from Tennessee be recognized first, the Senator from Louisiana second, and the Senator from New Mexico, the chairman of the Energy Committee, my dear friend, be recognized for 5 minutes and following that, I would have the floor and be able to start my speech and finish it.

Mr. VITTER. Mr. President, reserving the right to object, I would like to just make the suggestion through the Chair that the Senator from New Mexico go second and I proceed third.

Mr. REID. No objection.

The PRESIDENT pro tempore. Is there objection?

Mrs. MURRAY. Mr. President, I know we put together a time line. Senator KENNEDY would also like to be recognized. He can follow Senator REID, but I think he would like to be recognized for 30 minutes following the four Senators we have in the queue.

Mr. REID. Mr. President, is morning business allocated this morning?

The PRESIDENT pro tempore. No.

Mr. REID. So what the Senator from Washington has asked is that following my statement, the Senator from Massachusetts be recognized for 30 minutes. My statement is going to take a little bit of time, and if there is a Republican speaker who wants to come after me, that would be what should happen, and then Senator KENNEDY can be recognized after that. Is that appropriate? So I ask that following my statement, the Senator from Alaska be recognized.

The PRESIDENT pro tempore. Myself and Senator INOUYE for 20 minutes.

Mr. REID. And following that, Senator KENNEDY be recognized for 30 minutes. So Senator INOUYE and Senator STEVENS for 10 minutes each. So after 15 minutes, I will speak, and then it will be Senator INOUYE and Senator STEVENS, and then following that it will be Senator KENNEDY.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Chair recognizes the Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Democratic leader for his courtesy. This will permit me to chair a hearing at 2:30 on time. I thank the chairman of the Energy Committee and the Senator from Louisiana.

May I ask the Chair to inform me when there is 30 seconds remaining of my 5 minutes.

The PRESIDENT pro tempore. The Senator will be notified.

SINGING OF THE NATIONAL ANTHEM

Mr. ALEXANDER. Mr. President, across the country today, thousands of immigrants, legal and illegal, are marching in a nationwide rally. Many are saying that they, too, want to become Americans.

But I am afraid the message is quite literally getting lost in translation. As part of these demonstrations, a new version of our national anthem, ''The Star-Spangled Banner,'' has been produced—in Spanish.

According to an article in the Washington Post on last Friday, at least 389 different versions of our anthem have been produced over the years in many musical styles, including rock and roll and country, but the Post also noted that never before has it been rendered in another language. This may be a first, but it is a big first step in the wrong direction. It is a mistake precisely because our Nation is a nation of immigrants.

Almost all of us are descended from immigrants from Britain or Germany or Italy or France or China or Mexico or some other country around the world. Our forefathers who came from these many different countries spoke

many different languages, but in coming here they agreed to speak one common language, one language to unify us as a nation, one language so we can all speak with one another. And that language is English. In fact, in order for a legal immigrant to become a citizen of the United States, one requirement is that he or she demonstrate at least an eighth grade level understanding of the English language.

A century and a half ago, we created common schools—the public schools—so that mostly immigrant children could learn English, learn how to write and read in English as well as to do math, and learn what it meant to be an American with the hope they would go home and teach their parents. Only 2 weeks ago, this Senate encouraged the speaking of English by saying that it would knock a year off the waiting time to become a citizen if an applicant became proficient in English and authorizing $500 grants for people who are legally here who are seeking to become citizens. So for a long time, we have recognized that English is a part of who we are as Americans. It is a part of what unites us, just as we are united by our history and our shared values, such as liberty, equal opportunity, and the rule of law.

I worry that translating our national anthem will actually have the effect of dividing us. It adds to the celebration of multiculturalism in our society which has eroded our understanding of our American culture. Ours is a diverse nation, proudly diverse, but diversity is not our greatest accomplishment. Jerusalem is diverse. The Balkans are diverse. Iraq is diverse. What makes America unique is that we have taken all that magnificent diversity and turned it into one nation. Translating our anthem into multiple languages also erodes our sense of having a common language that allows us to speak with one another as one nation. Our national anthem is a symbol of all of those things which unite us. It is a product of our history.

''The Star-Spangled Banner'' was written by Francis Scott Key in 1814. Our Nation was then in the midst of the War of 1812. On September, 13, 1814, just a few weeks after the invasion of Washington, British forces began a 25-hour bombardment of Fort McHenry in Baltimore. Through the day and all through the night, the rockets and bombs flew. And the next day, on September 14, standing aboard an American ship 8 miles out from Baltimore, Francis Scott Key looked and saw the stars and stripes were still waving over the fort, and the British were forced to withdraw. Our flag was still there.

I went to see that very same flag a few months ago at the Smithsonian's National Museum of American History. The museum is in the process of carefully preserving it so that our grandchildren's grandchildren will be able to see the original flag that inspired our national anthem. That flag and song are part of our history and our national identity.

The PRESIDENT pro tempore. The Senator has 30 seconds remaining.

Mr. ALEXANDER. It declares some of our national ideals, in being ''the land of the free and the home of the brave.''

That is why we should always sing it in our common language: English. And that is why today I will introduce, along with Senator FRIST, Senator MCCONNELL, and Senators STEVENS and ISAKSON and ROBERTS, and I hope others, a resolution that affirms that statements of national unity, especially the Pledge of Allegiance and the national anthem, ought to be recited in English. We wouldn't recite the pledge in French or German or Russian or Hindi or even Chinese, which, after Spanish, is the second most spoken foreign language in the United States, and we shouldn't sing the national anthem in Spanish or any other foreign language.

So in conclusion, in this land of immigrants, let's sing it together as one American Nation in our common language: English.

Mr. DOMENICI. Madam President.

The PRESIDING OFFICER (Ms. MURKOWSKI.) The Senator from New Mexico is recognized.

Mr. DOMENICI. I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. DOMENICI. Is my understanding correct that we are now on the supplemental appropriations bill?

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—RESUME

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

McCain/Ensign amendment No. 3616, to strike a provision that provides $74.5 million to States based on their production of certain types of crops, livestock, and/or dairy products, which was not included in the administration's emergency supplemental request.

McCain/Ensign amendment No. 3617, to strike a provision providing $6 million to sugarcane growers in Hawaii, which was not included in the administration's emergency supplemental request.

McCain/Ensign amendment No. 3618, to strike $15 million for a seafood promotion strategy that was not included in the administration's emergency supplemental request.

McCain/Ensign amendment No. 3619, to strike the limitation on the use of funds for the issuance or implementation of certain rulemaking decisions related to the interpretation of ''actual control'' of airlines.

Warner amendment No. 3620, to repeal the requirement for 12 operational aircraft carriers within the Navy.

Coburn amendment No. 3641 (Divisions IV through XIX), of a perfecting nature.

Vitter amendment No. 3627, to designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and to waive the Small Business Competitive Demonstration Program Act of 1988 for the areas affected by Hurricane Katrina or Hurricane Rita.

Vitter/Landrieu modified amendment No. 3626, to increase the limits on community disaster loans.

Vitter modified amendment No. 3628, to base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages.

Vitter modified amendment No. 3648, to expand the scope of use of amounts appropriated for hurricane disaster relief and recovery to the National Oceanic and Atmospheric Administration for Operations, Research, and Facilities.

Wyden amendment No. 3665, to prohibit the use of funds to provide royalty relief for the production of oil and natural gas.

Santorum modified amendment No. 3640, to increase by $12,500,000 the amount appropriated for the Broadcasting Board of Governors, to increase by $12,500,000 the amount appropriated for the Department of State for the Democracy Fund, to provide that such funds shall be made available for democracy programs and activities in Iran, and to provide an offset.

Salazar/Baucus amendment No. 3645, to provide funding for critical hazardous fuels and forest health projects to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations.

Vitter amendment No. 3668, to provide for the treatment of a certain Corps of Engineers project.

Burr amendment No. 3713, to allocate funds to the Smithsonian Institution for research on avian influenza.

Coburn (for Obama/Coburn) amendment No. 3693, to reduce wasteful spending by limiting to the reasonable industry standard the spending for administrative overhead allowable under Federal contracts and subcontracts.

Coburn (for Obama/Coburn) amendment No. 3694, to improve accountability for competitive contracting in hurricane recovery by requiring the Director of the Office of Management and Budget to approve contracts awarded without competitive procedures.

Coburn (for Obama/Coburn) amendment No. 3695, to improve financial transparency in hurricane recovery by requiring the Director of the Office of Management and Budget to make information about Federal contracts publicly available.

Coburn (for Obama/Coburn) amendment No. 3697, to improve transparency and accountability by establishing a Chief Financial Officer to oversee hurricane relief and recovery efforts.

Menendez amendment No. 3675, to provide additional appropriations for research, development, acquisition, and operations by the Domestic Nuclear Detection Office, for the purchase of container inspection equipment for developing countries, for the implementation of the Transportation Worker Identification Credential program, and for the training of Customs and Border Protection officials on the use of new technologies.

Chambliss/Isakson amendment No. 3702, relating to the comprehensive review of the procedures of the Department of Defense on mortuary affairs.

Murray (for Harkin) amendment No. 3714, to increase by $8,500,000 the amount appropriated for Economic Support Fund assistance, to provide that such funds shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan, and to provide an offset.

Conrad/Clinton amendment No. 3715, to offset the costs of defense spending in the supplemental appropriation.

Levin amendment No. 3710, to require reports on policy and political developments in Iraq.

Schumer/Reid amendment No. 3723, to appropriate funds to address price gouging and market manipulation and to provide for a report on oil industry mergers.

Schumer amendment No. 3724, to improve maritime container security.

Murray (for Kennedy) amendment No. 3716, to provide funds to promote democracy in Iraq.

Murray (for Kennedy) amendment No. 3688, to provide funding for the covered countermeasures process fund program.

Cornyn amendment No. 3722, to provide for immigration injunction reform.

Cornyn amendment No. 3699, to establish a floor to ensure that States that contain areas that were adversely affected as a result of damage from the 2005 hurricane season receive at least 3.5 percent of funds set aside for the CDBG Program.

Cornyn amendment No. 3672, to require that the Secretary of Labor give priority for national emergency grants to States that assist individuals displaced by Hurricanes Katrina or Rita.

Murray (for Byrd) amendment No. 3708, to provide additional amounts for emergency management performance grants.

Mr. DOMENICI. Madam President, I note the presence now of the chairman of the Appropriations Committee.

I will take as little time as possible, and I know of no reason for this amendment to take a lot of time, but I want to make sure everybody knows it is pending, and that is why I put it here, and I plan to offer it now. It is a very important amendment with reference to the reconstruction of the levee system.

I will quickly show three photographs.

One, the photo that is up here right now shows the floodwall breach at the 17th Street Canal. As you can see, the storm surge pushed the floodwall out of alignment. The corresponding photograph shows repairs to the 17th Street Canal floodwall as of February 2006.

This one shows the repairs and, believe it or not, that is what has been done already, Mr. Chairman, in the short time since the disastrous break, and it looks like that now.

Third, this photo shows the failure of an I-wall section of the levee. The President has requested that we replace I-walls with stronger and more substantial T-walls. These I-walls fell down all over parts of the area, letting water come through as they fell down, and became more like waterways rather than water containers.

That is what we are replacing, and we are replacing them with what is shown in a fourth photograph I have here, which shows work taking place elsewhere in the area. The amendment I am submitting in behalf of the President is going to authorize this kind of construction occur in an area described in the amendment.

This is the construction of T-walls along the inner harbor navigation canal. The foreground shows the reinforcing steel that goes into these T-wall sections driven into the ground at an angle. The T-wall is then cast in place on top of the pilings. With this, we will have as strong a containment as can be expected and can be done, according to the experts.

We will take this photograph down because we don't need to have this up while speeches are given.

AMENDMENT NO. 3769

Mr. DOMENICI. Madam President, I call up amendment No. 3769 and ask that it be considered immediately.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 3769.

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

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

The amendment is as follows:

(Purpose: Provides additional construction funding for levee improvements in the New Orleans metropolitan area, gulf coast restoration and other purposes)

For an additional amount for ''Investigations'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $45,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That using $20,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed, at full Federal expense, to inventory all Federal and non-Federal flood and storm damage reduction projects; develop and test a methodology to assess the structural and operational integrity of such projects and the associated risks; and establish and maintain a database of such projects, which shall include information on the structural and operational integrity of the projects and the parties responsible for operation and maintenance of the projects included therein: Provided further, That $25,000,000 of the funds provided herein shall be used for Louisiana Coastal Area Restoration studies.

For an additional amount for ''Investigations'' for flood hazard analyses and technical studies related to the consequences of Hurricane Katrina and other disasters, $2,500,000 to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for disaster and other emergency needs, of which up to $1,000,000 is for Flood Plain Management Services for flood hazard and hydrologic investigations in flood prone areas of Hawaii; up to $1,250,000 is for the Delta Islands and Levee study in California; and $250,000 is for completion of the CALFED 180-day levee study: Provided further, That the amount shall be available for the studies identified above and only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $595,300,000, to remain available until expended, of which up to $100,000,000 may be used to reduce the risk of storm damage to the greater New Orleans metropolitan area, at full federal expense, by restoring the surrounding wetlands through measures to begin to reverse wetland losses in areas affected by navigation, oil and gas, and other channels and through modification of the Caernarvon Freshwater Diversion structure or its operations; at least $495,300,000 shall be used consistent with the cost-sharing provisions under which the projects were originally constructed to raise levee heights where necessary and otherwise enhance the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction: Provided, That any project using funds appropriated herein shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary of the Army to pay 100 percent of the operation, maintenance, repair, replacement and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That Congress designates this amount as an emergency requirement for these specific purposes: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for ''Construction'' for necessary expenses related to other disasters, $39,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for disaster and other emergency needs, of which up to $7,100,000 is for South Sacramento Streams, California; up to $23,300,000 is for the Sacramento River Bank Protection, California; up to $5,100,000 is for American River (Common Features), California; up to $1,500,000 is for North Padre Island, Texas; and up to $2,000,000 shall be provided at full Federal expense for the Hawaii water systems technical assistance program: Provided further, That the amount shall be available for the projects identified above and only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

OPERATIONS AND MAINTENANCE

For an additional amount for ''Operations and Maintenance'' to dredge navigation channels and repair other Corps projects related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,200,000 to remain available until expended: Provided, That the amount provided

under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for dredging needs along the Texas gulf coast, of which up to $2,000,000 is for Freeport Harbor, Texas; and up to $1,200,000 is for Texas City, Texas: Provided further, That the amount shall be available only for the projects identified above and to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies,'' as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,099,000,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use the funds appropriated herein to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; of the funds provided herein, $530,000,000 shall be used to modify the 17th Street, Orleans Avenue and London Avenue drainage canals, and install pumps and closure structures at or near the lakefront; $250,000,000 shall be used for storm-proofing interior pump stations to ensure their operability during hurricanes, storms and high water events; $170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $350,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $215,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate them into the existing New Orleans to Venice hurricane protection project; and $1,584,000,000 shall be used for reinforcing or replacing floodwalls, where necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the systems' performance: Provided further, That any project using funds appropriated herein shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for ''Flood Control and Coastal Emergencies,'' as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to this and other disasters, $17,500,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for restoration of funds for hurricane damaged projects in Pennsylvania: Provided further, That the amount shall be available for the projects identified above and only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

Mr. DOMENICI. Madam President, the amendment has been made available to the other side.

The President of the United States, after consultation with the man he placed in charge of this program, the project of renewal, and with the Corps of Engineers' leadership, has asked us for $1.46 billion. An additional $2.2 billion is requested in this amendment, and that makes the total $3.7 billion. Previous supplemental funds provided last year enable restoration of current levee systems to the authorized strength as well as to complete the system as originally envisioned. The proposed supplemental funding takes us to the next logical step in this rebuilding process. The requested funding will provide for the improvement to the obvious weaknesses in the existing levee system. These include, $1.6 billion for replacement of I-wall design that failed during Hurricane Katrina with better designed, stronger flood walls; $530 million for temporary closure of the interior drainage canal, with permanent closure and integrated pumping stations; $250 million for storm-proofing of interior pump stations; $170 million for armoring critical elements of the levee system; and $350 million for navigable closures to improve protection of the inner harbor navigation canal.

The requested funding will also allow for increased protection from storm surges. These improvements include $215 million to incorporate the West Bank levee in Plaquemines Parish into the Federal levee. That will incorporate it into the levee system and upgrade the levee to the Federal standards; $100 million for restoration of coastal wetlands to reduce the risk of storm surge. And $493 million for increasing the levee heights of Lake Pontchartrain and Vicinity project and the West Bank and Vicinity project. These levee improvements will be a cost shared with the State of Louisiana, and everybody understands that. Based on the vulnerabilities demonstrated to our Nation's infrastructure by Katrina, $20 million is included for an inventory and assessment of Federal and non-Federal flood and storm damage projects nationwide. Currently, no reliable information is available to determine reliable flood risks across the country; $25 million is included for studies of the Louisiana coastal area to determine how best to provide long-term comprehensive restoration of coastal wetlands, to reduce storm surge in the New Orleans and south Louisiana areas.

In addition to the President's request, we have also provided additional funding for other emergency and disaster-related recovery efforts in California, Hawaii, Pennsylvania, and Texas. All of the funding proposed above the President's request is provided subject to a specific request from the President designating it as an emergency. Without an official Presidential request, these funds cannot be used.

In February 2006, the President submitted a request for supplemental appropriations for the Army Corps of Engineers totaling $1.46 billion. The funds will provide increased protection to obvious weaknesses in the New Orleans levee system and will improve storm proofing of interior pumping capabilities within the city to mitigate flooding.

Prior to Hurricane Katrina, FEMA had initiated a reevaluation of the 100-year flood plain in the New Orleans and other gulf coast areas. Post Katrina, the analysis was revised to include Katrina impacts. The revised 100-year flood plain maps show the existing levee system will not provide 100-year protection. These new flood plain maps will have a tremendous impact on where and how redevelopment of New Orleans can occur.

Additionally, the Corps has determined that roughly 36 miles of the 56 miles of I-walls that are part of the levee system protecting the greater New Orleans metro area should be replaced with more stable T-Walls or L-Walls as a result of the I-Wall failures during Hurricane Katrina.

Due to the need to bring some rationality and stability to the redevelopment of New Orleans, the administration submitted a revised request to provide 100-year level of protection to New Orleans proper. The request specifically excludes improvements to roughly 8 miles of I-Walls in lower Plaquemines Parish and increasing levee heights in lower Plaquemines Parish to provide 100-year level of protection.

Raising the height of the levees will improve the level of protection to New Orleans proper and allow for continued participation in the National Flood Insurance Program administered by FEMA.

On April 25, the administration requested an additional $2.2 billion for the following:

$1.6 billion for replacing I-walls with T-walls or L-Walls in New Orleans—roughly 30 miles. Replacing the I-walls with stronger T-Walls or L-Walls is necessary to improve the performance of the levee system due to the failure of the I-Walls during Katrina;

$495.3 million for the Federal share of raising the levee height in New Orleans to the newly determined 100-year flood plain level. The current cost share mandated by 33 U.S.C. 2213 requires a 35 percent local cost share;

$215 million for incorporating certain non-Federal levees by replacing or modifying these existing levees on the west bank of the Mississippi River in

Plaquemines Parish. Incorporating, replacing or modifying these non-Federal levees will provide a hurricane protection system commensurate with the level of protection authorized for the Federal New Orleans to Venice hurricane protection project in order to protect the evacuation route. This is an increase above the original February request of $155 million.

The President's original $1.46 billion request will provide critical storm protection to New Orleans and is still necessary despite the new request. The February request includes the following:

$530,000,000 is provided to modify the 17th Street, Orleans Avenue and London Avenue drainage canals, and install pumps and closure structures at or near the lakefront. The closure structures will help prevent storm surge from Lake Pontchartrain from entering the canals, and the new pumping stations will convey water from the canals to the lake;

$350,000,000 is provided to improve protection at the Inner Harbor Navigation Canal. The Corps will construct two closure structures, one at Seabrook where the IHNC enters Lake Pontchartrain and another on the Gulf Intracoastal Waterway;

$250,000,000 will be used for storm-proofing interior pump stations to ensure their operability during hurricanes, storms and high water events. Storm-proofing measures will provide more protection against hurricane force winds, storm surge and inundation so the drainage pumps and equipment can remain operable during hurricanes, storms, and high water events;

$170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system. Armoring will be selectively used on levees and floodwalls at critical portions of the New Orleans hurricane and storm damage reduction system, including structural transition points such as pipeline crossings or junctures between levees and floodwalls; floodwalls susceptible to scour and erosion; and certain sections of levees exposed to extreme surge and wave wash;

$100 million to the Corps of Engineers to reduce the risk of storm damage to greater New Orleans by restoring the surrounding wetlands.

Since the President has revised his request following Appropriations Committee action, a floor amendment is necessary to accommodate the additional funding. The amendment will provide the following:

General Investigation—$48.75 million to support investigations of nationwide flood project inventory, Louisiana coastal area ecosystem restoration studies, Delta Islands and Levee studies in CA, developing a Delta risk management strategy in CA and for flood hazard and hydrologic investigations in flood prone areas of HI;

$595.3 million for levee raising and wetland restoration;

$3.1 billion for I-wall replacement; drainage canal improvements; storm proofing pumps; and armoring of levees.

The committee was aware the administration was considering a change in the request and tied to accommodate the President based on the original request. The committee provided $624 million in added funding, subject to request by the President. However, the new request significantly expands the scope of work and will require new language.

Amendments adopted in committee have been included as well—subject to the same terms and conditions.

As to Corps action to date, in the second supplemental $400 million for immediate disaster response to Katrina; $200 million for dredging operations and $200 million to repair existing projects.

In the third supplemental the President's request was $1.6 billion. Congress provided $2.89 billion—$1.3 billion above the request for recovery efforts from all fiscal year 2005 hurricanes. Of the amount provided in the third supplemental, about $1.9 billion went to LA.

In the fourth supplemental, $3.6 billion total:

In the first request, $1.46 billion for levee upgrades and flood mitigation activities in New Orleans;

In the second request, $2.2 billion to raise levee height, replace I-walls with T-walls.

To date, the administration and Congress have aggressively addressed hurricane damage to provide a higher level of protection for New Orleans and southeast Louisiana.

The Corps is working to restore hurricane protection for the start of hurricane season, on June 1, 2006.

The Corps is completing new sections of storm protection that were not in place when Katrina struck.

The latest request increases levee height in New Orleans to provide 100-year storm level protection, based on FEMA's new 100-year flood plain elevations, and improves flood mitigation capabilities within New Orleans to prevent severe flooding that occurred as a result of Katrina.

The Corps continues to evaluate existing structures to determine weak points and study and recommend necessary storm protection measures southeast Louisiana as provided in the third supplemental. The Corps should have initial recommendations by June 2006 with additional solutions provided over the next year. This information will be used to make informed decisions about future storm protection measures.

I believe we make our case. I do not think we have to talk more.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I ask that the Chair advise me when I have 45 seconds of my time remaining.

The PRESIDING OFFICER. The Senator will be notified.

Mr. VITTER. I rise in strong support of the amendment of the Senator from New Mexico, who chairs the crucial subcommittee under which all of these vital corps projects fall. I thank the Senator from New Mexico for his leadership on this crucial issue. This is an absolutely essential amendment, and in supporting it, I wish to stress a few items.

First of all, everything the Senator has outlined, everything in his amendment was specifically requested by the President of the United States and was given by the President the top priority possible. Secondly, we are debating a number of issues on the floor as to this hurricane relief bill, and some are being cut out and others are being added, those at the margin. This amendment is not at the margin in any way, shape or form. This is at the heart of this hurricane relief bill because it goes to essential hurricane flood protection for the citizens of south Louisiana.

So I thank the Senator from New Mexico for his leadership and certainly strongly support the amendment.

Now, Madam President, I would like to call up a separate but related amendment which I have filed at the desk, amendment No. 3728.

The PRESIDING OFFICER. The Senator will abstain while the clerk retrieves the amendment.

Mrs. MURRAY. Madam President, I object.

The PRESIDING OFFICER. Objection is heard to consideration of the amendment at this time.

Mr. VITTER. It is my understanding that the amendment has been filed; is that not the case?

Madam President, if I could suggest that I move on and speak about the amendment, and then perhaps we can formally call it up when it arrives at the desk, if that would be appropriate.

Mrs. MURRAY. Madam President, I have no objection to the Senator talking to his amendment, but at this time, we will object to his calling it up.

The PRESIDING OFFICER. Since there are pending amendments, it does take consent to call it up.

Ms. LANDRIEU. Madam President, if I could ask unanimous consent to speak 2 minutes on the Domenici amendment at whatever time is appropriate before we leave that amendment and go on to anything else.

The PRESIDING OFFICER. The junior Senator from Louisiana does have the floor at this time.

Mr. VITTER. I have no objection, if it doesn't come out of my time and everyone is agreeable to do that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana for 2 minutes?

Without objection, it is so ordered.

Ms. LANDRIEU. I thank the Chair. I thank my colleague from Louisiana because I know that there are many important amendments that we have to

consider relative to this major piece of legislation, which of course, is the supplemental for not just Katrina, Rita, and the gulf coast but also for our troops overseas and the situation in Iraq.

I thank, again, Senator COCHRAN and also Senator BYRD for their leadership in moving this supplemental forward on such a critical issue. I thank Senator DOMENICI and Senator REID, as chairman and ranking member, respectively, of the Energy and Water Committee, because in working with the administration, they have fashioned an amendment that will provide for Louisiana an additional $2 billion for critical levee infrastructure. As we rebuild New Orleans, the greater New Orleans area, south Louisiana and the gulf coast, getting additional funding for restructuring, rebuilding, and strengthening of the levee system around New Orleans and south Louisiana is essential. This $2 billion amendment will, in fact, do that.

I thank Senator COCHRAN for his willingness to add this $2 billion to the supplemental, to help us to secure the critical funds necessary to finish a project, which, of course, was promised on the heels of Katrina and the great flood that levied 20 feet of water in some areas into the city of New Orleans, and it continues our ongoing efforts, Madam President, to secure not just the city but the metropolitan area of Plaquemines, Jefferson, Saint Tammany, and Saint Charles, parishes that are the greater New Orleans area—Terrebonne, Plaquemines Parish and places to the west.

So I join my colleague from Louisiana in supporting this amendment and thank the bipartisan leadership that has come together to support it. And then we will have a series of other amendments that help improve the underlying bill. I thank my colleagues for the time to speak on the Domenici amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. I thank the Chair. And I appreciate all of those words by my colleague from Louisiana and certainly join her in all of those comments.

Now, if I could briefly outline amendment 3728, which has not been called up, but I will outline what it does. Again, the Domenici amendment is crucially necessary for levy and hurricane protection work in south Louisiana. Amendment 3728 would simply supplement that in relatively small ways in terms of dollar amounts but in very important ways.

At the outset, before I explain what it covers, let me explain three crucial overall points about the amendment.

No. 1, all of the moneys or funds or expenditures in this amendment 3728 are completely offset so it does not increase the size or the cost of the bill whatsoever.

No. 2, everything covered in the amendment was actually included in the underlying bill at the committee stage of the process. It has been removed as it comes to the floor, but it was included in committee and the chairman of the subcommittee, the Senator from New Mexico, has no objection to the inclusion of these important items. In addition, the statement of administration policy on the bill, while it highlights a number of items the administration actually opposes in the bill, does not highlight any of the items in this amendment. The administration has not expressed opposition to these items.

And No. 3, all of the operation and maintenance required for these items in my amendment is funded 100 percent by the locals, by the local sponsors of these projects.

Basically, it covers five crucial things.

No. 1, addressing further damaged, destroyed or inferior protection levees in south Louisiana. While the Domenici amendment addresses many of those needs, all of these areas where there is a blue rectangle giving the new heights of the levee protection system, after the work in the Domenici amendment is completed, there are, unfortunately, a few gaps in this area of Lafourche, Terrebonne, and also the east bank of Plaquemines Parish. And this amendment would help fill those gaps.

No. 2, fulfilling shortfalls in funding for full pumping capacity needs in Jefferson and Orleans Parishes with the closing of outfall canals.

No. 3, meeting shortfalls to ensure equal levels of hurricane protection on the east and west banks of the Mississippi River in lower Plaquemines Parish, again, one of the slight gaps I pointed to on the map.

No. 4, providing a plan to protect lower Plaquemines parish for the long-term and vital resources in that Parish—energy and seafood and maritime.

And No. 5, the amendment would direct the national academies to perform a study to determine that portion of the levy system that lost height due to construction, design, subsidence, and settlement.

In closing, Madam President, again, let me emphasize that everything in this amendment No. 3728 is offset, that everything in it was included by the committee during committee deliberations and is not opposed in the statement of administration policy and that everything in it, operation and maintenance related to these works, would be funded 100 percent by the local sponsors of these important works. I urge all of my colleagues, Republican and Democrat, to support my amendment. It does not increase the size of the bill, it merely perfects, if you will, the very important work being done by the Domenici amendment.

With that, Madam President, I yield back my time.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I rise for 20 seconds to ask unanimous consent to add my name as a cosponsor to the amendment of my colleague. He and I offer this together as a way to keep these five important projects alive for further discussion, and as he said, all the operation and maintenance will be picked up at the local level. So I thank our colleagues for their consideration this morning, for giving us time to speak about this important amendment, and I yield the floor.

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

The Democratic leader is recognized.

HONORING OUR ARMED FORCES

Mr. REID. Madam President, T. Byers of Sparks, NV, was killed in Iraq on July 23, 2003, when his convoy hit an explosive device. He was 25 years old.

William Salazar of Las Vegas, 26 years old, was killed in Iraq on October 15, 2004, in enemy action.

John Lukac of Las Vegas was just 19 years old when he was killed in Iraq on October 30, 2004, when a bomb hit his car.

Nicholas Anderson of Las Vegas, again, Madam President, only 19 years old, was killed during an assault on Fallujah on November 12, 2004.

Daniel Guastaferro, also of Las Vegas, 27 years old, died in Iraq on January 7, 2005.

Richard Perez of Las Vegas, again, fresh out of school, 19 years old, died in Iraq on February 10, 2005.

Eric Morris of Sparks, 31 years old, was killed on April 28, 2005, when a roadside bomb exploded.

Stanley Lapinski, 35 years old, was killed in Iraq on June 11, 2005, by a makeshift bomb in Baghdad.

James Jaime of Henderson, NV, 22 years old, was killed in Iraq on June 15, 2005, when a bomb exploded near his vehicle.

Anthony S. Cometa of Las Vegas, 21 years old, was killed in Iraq on June 16, 2005.

James Cathey of Reno, 24 years old, was killed in Iraq August 21, 2005, by a makeshift bomb.

Joseph Martinez of Las Vegas, 21 years old, was killed in Iraq August 27, 2005, by enemy gunfire.

Thomas C. Siekert of Lovelock, NV, 20 years old, died in Iraq December 6, 2005.

Joshua M. Morberg of Sparks, 20 years old, was killed in Baghdad, Iraq, on December 27, 2005, by a makeshift bomb.

Gordon F. Misner II, from Sparks, 23 years old, was killed in Iraq on February 22, 2006, by an improvised explosive device.

Shawn Thomas Lasswell, Jr., of Reno, 21 years old, was killed by an improvised explosive device on April 23, 2006, just a few days ago.

These are the names of the 16 Nevadans who have been killed in Operation Iraqi Freedom since May 1, 2003. I never met these men but, to me, they are Nevada's heroes. They are our Nation's heroes.

In 1944, an American President said:

Older men declare war. But it is youth that must fight and die. And it is youth who must

inherit the tribulation, the sorrow and the triumphs that are the aftermath of war.

Many years and many wars later, this quote rings true. These 16 young Nevadans gave their lives for our country. These boys—these young men—left families and ofttimes their babies and children as they traveled across the ocean and seas to soldier in deserts and cities far from home.

Most of these men were living their childhood dreams of serving in the military of the United States. Others were using the military as a stepping stone. Whatever the reason for their joining this volunteer fighting force, we can never repay their sacrifice, but we will always remember their ultimate sacrifice.

To their families, to the families of all 2,404 U.S. troops who have fallen in Iraq, and to the thousands of families who have loved ones serving there now, our thoughts and prayers are with you. I know you are proud of your sons and daughters, and I am confident our Nation's people are also proud of them. Their exemplary patriotism, dedication, and competence speaks volumes.

I mention our troops and these fallen Nevadans for a reason. Today, our country marks an unfortunate anniversary: the 3-year anniversary of President Bush's donning a flight suit to declare ''Mission Accomplished'' in Iraq.

President Bush's dramatic landing on the aircraft carrier Abraham Lincoln will be marked historically as a public relations stunt gone horribly wrong.

Since President Bush rendered his judgment of ''Mission Accomplished,'' more than 2,200 American military are now dead, about 20,000 have since been wounded, many hundreds of billions of dollars of taxpayers' money expended, and now Iraq is engaged in a civil war, the degree of which is unknown and debatable.

The image of President Bush standing in front of the ''Mission Accomplished'' banner has been etched into the minds of the American people as a metaphor for the Bush White House's misleading and dangerous incompetence. It shows a self-described ''war President'' not ready for the war or the difficult problems of securing the peace, the problems the President and his Secretary of Defense simply ignored or did not understand following the invasion of Iraq.

On this date 3 years ago, President Bush announced: ''Major combat operations in Iraq have ended.''

Let me repeat that quote.

Three years ago today, the President said on the aircraft carrier with his flight suit on: ''Major combat operations in Iraq have ended.''

He said further that ''in the battle of Iraq, the United States and our allies have prevailed.''

Here it is, 156 weeks later, with fighting and violence continuing across Iraq. We know that declaration was woefully premature. In fact, the President and his team's mismanagement and poor planning have now stretched the Iraq war to a length and monetary cost that matches that of World War II.

On that day 3 years go, President Bush also said ''a special word for Secretary Rumsfeld—that America is grateful for a job well done.''

Three years later, the debate is not whether Rumsfeld has carried out a job well done but whether he is even the man for the job. Eight retired generals and millions of Americans have called for him to be replaced as Secretary of Defense.

We know that Secretary Rumsfeld ignored the advice of the uniformed military and went into battle with too few troops and no plan to win the peace. As a result, the insurgency was able to gain a foothold, and now civil and sectarian strife threatens our troops and our future and the future of Iraq.

Friday we learned that four-star general and former Secretary of State Colin Powell told the President and Secretary Rumsfeld that the number of troops for the invasion was inadequate. General Colin Powell told the President and Secretary Rumsfeld that there were not enough troops to prevail. He was ignored.

Returning to this picture, President Bush also said on that day, in Iraq, ''we've removed an ally of al-Qaida,'' and, I further quote, ''we have seen the turning of the tide'' in the war on terror. The troops prevailed, yes. But provisions for peace were never made.

On April 17 of this year—a few days ago—the same day one of these gallant Nevadans was killed, Secretary of Defense Donald Rumsfeld said—listen to this:

The implication that there was something wrong with the war plan is amusing almost.

Amusing? Amusing, Mr. Secretary? Really?

How unfortunate. A failed plan with failed, manipulated intelligence taking us to war.

But here we are, 156 weeks later, 5,072 days later, the intractable war in Iraq and the war on terror rages on as never before. April was the deadliest month for Americans in Iraq this year. Over 70 of our brave soldiers have been killed.

The war on terror has also moved in the wrong direction. According to the State Department, the number of terrorist attacks has risen sharply around the world. More than 11,000 terrorist attacks occurred worldwide last year—a 250 percent increase from the year before. Iraq—a country where Osama bin Laden had few inroads before the war—has become a training ground and launching pad for international terrorism.

According to the State Department, it is now a ''foreign fighter pipeline'' to terror. While the security situation in Iraq has worsened, U.S. taxpayers have been asked to shoulder an even bigger burden.

We are now spending more than $10 billion a month in Iraq for operations, and people have seen more than a 100-percent monthly increase from when the war began. After passage of the supplemental, our commitment to Iraq will stand at far more than $300 billion, and it is moving higher faster and faster and faster.

Americans have come to accept what Bush said 3 years ago was wrong. It was false. And they understand that President Bush's refusal to level with them over the last 3 years has made the mission of keeping America safe even more difficult.

But 3 years later, Americans are still counting on him to accomplish the mission. This is not a matter for future Presidents, as he has said. This is President Bush's war, and we need to hear him explain how the mission is going to be completed. The mission has not been ''accomplished.''

In the months ahead, President Bush must give the American people and our warfighters what he failed to give us on May 1, 2003—real answers and a real plan.

He needs to step up and explain his strategy for bringing the conflict to an end so our troops can begin to come home. As Congress and the American people have demanded, and Congress has passed into law, 2006 must be the year of significant transition in Iraq.

We need a new direction because our troops, their families, and the American people cannot wait for the next President to be elected to do what is right.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized.

(The remarks of Mr. STEVENS and Mr. INOUYE pertaining to the introduction of S. 2686 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. VITTER). Under the unanimous consent agreement, the Senator from Massachusetts is recognized for up to 30 minutes.

AMENDMENT NO. 3688, AS MODIFIED

Mr. KENNEDY. Mr. President, I will use much less time, closer to 20 minutes.

I had earlier filed an amendment No. 3688. I ask unanimous consent my amendment numbered 3688 be modified. I send it to the desk.

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

The amendment will be so modified.

The amendment (No. 3688), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ____. FUNDING FOR PANDEMIC INFLUENZA VACCINE INJURY COMPENSATION.

For an additional amount to the ''Public Health and Social Services Emergency Fund'' to compensate individuals harmed by pandemic influenza vaccines, $289,000,000: *Provided*, That the amounts provided for under this section shall be designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Mr. KENNEDY. Mr. President, the Senate is currently debating an appropriations bill that provides $59 billion to continue the Bush administration's failed policy in Iraq. This funding will

bring the total bill for the war in Iraq to $320 billion and still counting.

Three years ago today, President Bush dressed up in a flight suit, flew out to the aircraft carrier, Abraham Lincoln, and declared ''Mission Accomplished'' in Iraq. Our mission was far from accomplished then, and it is far from accomplished now.

In my State of Massachusetts, 47 young men and women have been killed, and more than 2,400 have been killed nationwide. For them, their families and loved ones, the mission is far from accomplished.

We all care about our service men and women fighting bravely in Iraq. We obviously want to do all we can to see they have the proper equipment, vehicles, and everything else they need to protect their lives as they carry out their missions. This bill provides the $239 million for body armor and personal protection equipment for the Marines, $890 million for Army up-armored HMMWVs, $271 million for the Marine HMMWVs, and it also provides $10 billion for pay and allowance for service members deployed overseas, and $1.4 billion for enhanced death benefits and traumatic injury protection.

The bill also includes the much needed hurricane and disaster assistance in the wake of last year's gulf coast hurricanes, assistance that is critical to rebuild the devastated communities in Louisiana and on the gulf coast.

It also includes funding for schools and levees, homes and small businesses, and other measures to rebuild communities and make them whole once again.

In Iraq, as we all know, our military forces are performing brilliantly under enormously difficult circumstances. The funds in this bill will help to provide the greater protection they obviously need. They do not want, and the American people do not want, an open-ended commitment in Iraq. What they want is a better and more effective policy worthy of the sacrifice of our troops. They want their leaders to come together, to address the issues they care about. But what they see is a White House focused on personnel changes, not policy changes. If the President spent as much time on his policy as he has on defending Don Rumsfeld, we could make greater progress in Iraq.

Unfortunately, the President's repeated failures to see each new threat in Iraq before it is fully emerged has put our troops in constantly greater peril. He disbanded the Iraqi Army with weapons intact and waited a year to begin training the Iraqi security forces. He failed to see the insurgency metastasizing like a cancer throughout Iraq before it was too late. He failed to see the danger of roadside bombs, IEDs, and sent our troops into battle month after month without proper protection. And now he fails to see the possibility that Iraq will succumb to a full-scale civil war.

This is the point of the amendment I intend to offer to ensure that the proper planning is underway now to protect our long-term interests in the event that Iraq continues the downward spiral into civil war. Iraq's future and the lives of our troops are perilously close to the precipice of a new disaster, the time bomb of civil war is ticking, and our most urgent priority is to diffuse it.

As of last week, we have been in combat in Iraq longer than we were in combat in Korea. At the end of this year we will have been involved militarily in Iraq as long as we were in combat in World War II. If we cannot achieve a military solution within that period of time, it is time for our troops to begin to leave.

Iraq is obviously still in great turmoil, and all of us hope the new government about to take office will be able to unite the country. In the vacuum that has existed for so long, militias have taken control of key parts of the country. We are now seeing the kinds of refugee flows that signaled the beginning of the end in Vietnam. Shiites and Sunnis are forced by the continuing violence to flee from their homes and move into separate communities in Iraq or become refugees.

With each passing day, the American people are becoming more and more impatient with the administration's continuing incompetence in conducting the war. They do not want our troops to defend the same failed course. They want a realistic plan for our troops to be redeployed out of Iraq. Starting this year, the sectarian violence between Shiite and Sunnis is fueled by the private militias and is now the biggest threat to stability.

We spent a very considerable period of time, some 8 years, after the whole peace process started in northern Ireland to have the IRA surrender its arms, decommission their arms, put what they call the ''arms beyond use.'' Finally, it became recognized in northern Ireland that you could not be a political party and have a private army, that the Sinn Fein could not have the IRA in the background.

And finally, to the great credit of the Sinn Fein, they gave up the military part of the IRA. According to the international inspectors, General de Chastelain, and others, they have put the weapons beyond use. It has taken almost 8 years to achieve this. But in Iraq, we have a constitution that entitles these political organizations to have militias. It is inevitable that we will have the kind of private militias presenting the biggest threat to stability in Iraq today.

General Casey, the commander of our multinational force in Iraq, has said that America will not succeed in Iraq ''until the Iraqi security forces—the police and the military—are the only ones in Iraq with guns.'' We need a clean and effective policy to disarm and disband the Iraqi's militias in order to end the destabilizing impact of these private sectarian armies.

The new Prime Minister must act quickly to bring the factions together, and we in Congress need to help this effort any way we can. Hopefully, he and his Cabinet can move rapidly to gain control of the whole country. Their efforts must demonstrate to the Iraqi people that the government will fulfill their basic needs and provide for their security.

We need to begin reducing our military forces. Our presence in Iraq inflames the insurgency. The open-ended commitment of our troops has made us a crutch for the Iraqis. It very well may be preventing political leaders from making the tough choices and compromises essential to move the political process forward.

The Bush administration has argued that we cannot cut and run from Iraq. However, they seem more than willing to undermine Iraq's transition to democracy. The U.S. nongovernmental organizations doing democracy promotion on the frontlines are about to have their funding slashed, just when the Iraqis need them the most.

Last year, Iraq passed several important milestones on the long road to democracy. The two elections and the referendum on the Constitution were significant, but they were not decisive, and it is still far from clear that democracy is being firmly established in Iraq.

Obviously, the process of building democratic institutions will require patience in developing effective governmental structures, a genuine rule of law, political parties committed to peaceful means, an active civil society, and a free press. For a country as heavily repressed for as long as Iraq, democracy will need even longer to take root.

It is far from clear, however, that the Bush administration has a long-term strategy—or even a short-term strategy—to solidify and continue the democratic gains that have been made so far. It makes no sense whatsoever to reduce the funds for democracy building. Yet that is exactly what the administration is planning.

I have offered an amendment with Senators BIDEN and LEAHY to provide $96 million so that the U.S. nongovernmental organizations can continue their important work of promoting democracy in Iraq.

Organizations such as the National Democratic Institute; the International Republican Institute; the National Endowment for Democracy; the IFES, formerly known as the International Foundation for Election Systems; the International Research and Exchanges Board; and America's Development Foundation are well respected throughout the world. Each has substantial operations in Iraq, and their work is essential to the administration's goal of building a stable democracy in Iraq.

Yet despite their success so far in helping to promote democracy and the enormous risks to employees working in the war zone, the administration has made no long-term commitment to provide funding for their work in Iraq.

Each organization operates on pins and needles, never knowing when its funding for these operations will dry up.

We must be clear in our commitment to stand by these organizations and their indispensable work every day on the frontlines in the struggle for democracy in Iraq. We also need to demonstrate to the Iraqi people that we are committed to Iraq's long-term democratic development. We need a long-term plan and a long-term strategy that is backed up by appropriate resources.

We need to refocus our policy in Iraq and provide the kind of support that will make a positive difference on Iraq's long road to democracy. We also need to prepare for the worst contingencies. It makes no sense to continue down the path of a failed policy and continue to put our troops in harm's way.

AMENDMENT NO. 3688, AS MODIFIED

Mr. President, I would also like to speak for a few minutes on another issue—the pandemic flu crisis which needs urgent action. The amendment that is pending will correct a serious defect in current law on compensation for persons injured by vaccines. The lack of this protection could well doom our effort to protect the Nation against sudden mass epidemics that could result from natural diseases or bioterrorist attacks. The Nation continues to face the danger of a deadly flu pandemic. The clock is ticking, and we have failed so far to take the actions needed to protect our people.

This chart shows very clearly the warnings that this Nation has had going back to June of 1992. Policymakers must realize and understand the potential magnitude of an influenza pandemic.

Here it is May 2002: Authorities must understand the potential impact and threat of pandemic influenza. That is in 2002.

Then, we find the GAO, in 2000, stating: Federal and State influenza plans do not address the key issues surrounding the purchase and distribution of vaccines and antivirals.

And we have, in December 2003, an outbreak in South Korea; and, in 2004, an outbreak in Vietnam; and, in April 2006, avian flu in Britain.

This is the real danger. Even after these outbreaks, needed preparations still lag.

Other nations developed comprehensive plans for responding to flu, but ours was inexplicably delayed. In November, the administration released a plan, but it was incomplete, and a new one has been promised once again. While other nations implement their plans, we wait to see what ours is.

The story is the same on the stockpiling of needed medications. Other nations put in their orders for antiviral medications years ago, but again we failed to act. As a result, America is at the back of the line in ordering these needed drugs.

As long ago as November 2000, GAO warned that:

> Federal and state influenza plans do not address key issues surrounding the purchase and distribution of vaccines and antivirals.

Here it is June 2005, and the GAO reports:

> The plan does not establish the actions the federal government would take to purchase and distribute vaccine during an influenza pandemic.

There it is, the time from 2000 to 2005, and the administration is lagging.

Congress has tried to move forward. In the bill the Senate considers today, Senator HARKIN's amendment has added over $2 billion to improve the Nation's readiness for a flu pandemic. Thanks to his leadership, these funds will be used to strengthen our hospitals and public health agencies and increase the Nation's ability to manufacture vaccines.

In 2002, with strong bipartisan support, Congress enacted comprehensive legislation to provide a framework for public health preparedness, but the administration still hasn't carried out the basic responsibilities called for in that legislation.

The act required an interagency planning council to guide preparedness, but the council was never established. It called on the administration to develop and implement a coordinated strategy for public health preparedness, but this task remains undone. It called for a registry of health professionals who would volunteer their services during a public health emergency, but Hurricane Katrina showed that the system was ineffective.

In only one area did the administration and its allies work together to get something done. What was this urgent national priority? A special favor for the drug industry. Our Republican colleagues slipped a sweetheart deal for the drug companies into the Defense appropriations bill late at night at the end of the session last December. The purpose of their tactic was to shield from public debate a provision that would never stand public scrutiny. When I spoke on this issue on the Senate floor last December, not one of my Republican colleagues stood up to defend the provision or the process by which it was included in the bill.

The provision allows drug companies to ignore basic safety rules in producing a wide range of drugs and vaccines. Patients injured by shoddy products were given only an empty promise of compensation. It stacks the deck against patients and abrogates basic principles of fairness and judicial review.

Supporters of this provision claimed that it was needed because, without it, vaccine makers would not supply the national stockpile. But our committee has obtained the contracts signed between vaccine makers and the Department of Health and Human Services.

I have them right here, Mr. President. These contracts clearly show that the drug makers received liability protections long before that scandalous provision was slipped into the appropriations bill. I will reference them. I will not include all of them. I will include the special provisions, the product liability and indemnification clause. Mr. President, I ask unanimous consent to have printed in the RECORD the indemnification clauses from the Department of Health and Human Services contract with Sanofi Pasteur, signed August 19, 2005, and the DHHS contract with Chiron Corporation, signed September 28, 2005.

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

CONTRACTS FOR PANDEMIC INFLUENZA VACCINE PROVIDED INDEMNIFICATION LIABILITY PROTECTION FOR MANUFACTURERS

FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES CONTRACT WITH SANOFI PASTEUR, SIGNED AUGUST 19, 2005

H.9 Special Product Liability and Indemnification Clause

a. The H5N1 bulk vaccine product shall not be delivered for use in humans absent either indemnification satisfactory to both the Contractor and the U.S. Government or the enactment or establishment of another sufficient liability protection mechanism.

b. DHHS will assist the Contractor in resolving the Contractor's liability concerns related to this contract.

c. In the event that an influenza A/H5N1 pandemic outbreak occurs, DHHS will cooperate with the Contractor in explaining to the public the Contractor's liability concerns and the Government's efforts to resolve such concerns.

d. In the event that the U.S. Government desires to distribute the H5N1 final container vaccine product produced under this contract to any population, government or other entity for use in humans, and prior to requiring the Contractor to fill and finish vaccine, the Contractor shall submit a request to DHHS for indemnification by the U.S. Government. The Contractor's ''Request for Indemnification'' shall provide all information and documentation as required by Federal Acquisition Regulation 50.403–1(a), (''Indemnification Requests''). The U.S. Government will not allow any H5NI final container vaccine product delivered under this contract to be delivered for use in humans unless indemnification pursuant to Public Law 85–804 is approved by the Secretary or his designee or unless another sufficient liability protection mechanism is enacted or established.

e. In addition, the U.S. Government will work in good faith to support the Contractor's efforts to resolve the issue of tort liability associated with the performance of this contract. The U.S. Government further agrees that the need for liability protection in this contract is a legitimate concern for the Contractor.

FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES CONTRACT WITH CHIRON CORPORATION, SIGNED SEPTEMBER 28, 2005

H.5 Indemnification Clause

a. Neither the H5N1 bulk vaccine product nor the H5N1 final container vaccine product shall be delivered under clause H.3a of this contract or otherwise, for use in humans absent either indemnification satisfactory to both the Contractor and the U.S. Government or the enactment or establishment of another liability protection mechanism satisfactory to both the Contractor and the U.S. Government.

b. In the event that Public Law 85–804 is the mutually agreed upon means of indemnification or liability protection, prior to

being required to fill and finish vaccine the Contractor shall submit a request to DHHS for indemnification by the U.S. Government. The Contractor's ''Request for Indemnification'' shall provide all information and documentation as required by Federal Acquisition Regulation 50.403–1(a), (''Indemnification Requests''). In the event that Public Law 85–804 is the mutually agreed upon means of indemnification or liability protection, the U.S. Government will not allow any H5N1 final container vaccine product delivered under this contract to be delivered for use in humans unless indemnification pursuant to Public Law 85–804 is approved by the Secretary or his designee.

Mr. KENNEDY. Perhaps the cruelest feature of this infamous provision is that it includes a sham compensation program with no funding. We have seen the danger of this approach before because a similar compensation program went unfunded decades ago. People in communities downwind from the atomic test sites in Nevada received IOUs instead of payments to ease the cost of their radiation injuries. Senator HATCH led the fight to see that the ''downwinders'' received what they deserved, and he was right to do so. We must not repeat the same mistake.

The lack of an effective compensation program also doomed efforts to vaccinate first responders against smallpox. Senator FRIST recognized this. This is what he said:

Too many health workers have been deterred from receiving the smallpox vaccine—in part because of the uncertainties about what would happen, how they would provide for themselves if they suffered a serious adverse reaction to the vaccine.

If we have a bioterrorism attack, and we have new breakthrough drugs and vaccines, we have to provide a compensation program for the first responders. How do we expect them to go out and risk their lives—they may become sick or something worse could happen to them—if they are not even compensated for missing a day or two or a week or a month from work? We have seen that you have to have a compensation program if you want a vaccination program to be effective.

The right approach is a program that protects drug companies that make pandemic flu vaccines or needed biodefense treatments and that provides a real compensation to injured patients. That approach follows the successful examples of the past, in the cases of swine flu, children's vaccines, when the Government set up a reasonable way to compensate the injured.

In this appropriations bill, we have an opportunity to see that the promise of compensation for first responders injured by experimental flu vaccine is not an empty one. The amendment which I have and that is pending provides $289 million for the compensation program. These funds will give first responders the assurance they need that the Government is not making an empty promise on compensation.

Slipping a special favor to the drug industry in last year's spending bill without debate was wrong. But denying compensation to our health care heroes would be even worse. The Senate should act to fulfill the promise to compensate those who keep us safe from pandemic flu if they are injured when they bravely volunteer to accept an experimental vaccine.

I hope the Senate will accept those amendments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the next 20 minutes be equally divided between Senators Obama and Coburn, and that following that time, Senator BINGAMAN be recognized for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

AMENDMENT NO. 3696

Mr. OBAMA. Mr. President, in addition to the 20 minutes, I ask unanimous consent to call up amendment No. 3696.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN: Mr. President, reserving the right to object, is it correct to say that in order to call up an amendment for consideration, at this time unanimous consent has to be obtained to set aside all of the other pending amendments that are before the Senate?

The PRESIDING OFFICER. The manager is correct.

Is there objection to calling up the amendment?

Mr. COCHRAN. Reserving the right to object, a moment ago a Senator asked unanimous consent to do that. That Senator is now the Presiding Officer. Someone objected to his request. I am going to object to this request because of that earlier objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois is recognized.

Mr. OBAMA. What I will do, Mr. President, if it is all right, is I will read my statement. I will divide time with Senator COBURN. And then, procedurally, we can sort out my ability to present this amendment.

Mr. President, it has been 8 months since Hurricane Katrina devastated our southern shores. It was a storm that brought more pain to our citizens in Louisiana, Mississippi, and Alabama than any other in our collective memories, pain largely experienced by the poorest and the most disenfranchised but felt by all of us.

In the wake of this devastation, the Federal Government has mobilized significant resources, totaling over $100 billion, to repair levees, provide temporary housing, and help cities and States rebuild highways, schools, and hospitals.

The task is enormous, but with proper planning, leadership, and oversight there is no reason we cannot rebuild the gulf coast and help its people rebuild their lives. Yet if we don't work quickly to root out waste, fraud, and abuse in Federal reconstruction efforts, all of our best efforts to rebuild this region will fail. A dollar misspent by a contractor is a dollar denied to victims of Katrina. Money stolen by fraud or abuse is money that is unavailable to strengthen homes, schools, and small businesses. It comes straight from the pockets of the American taxpayer. Even worse, cronyism and incompetence siphon Federal dollars away from the gulf's citizens, and all Americans lose confidence in their Government's ability to respond to urgent needs.

Unfortunately, the list of wasted and fraudulent expenditures related to Katrina recovery is startling, and the abuse continues to this day. Let me mention a few examples. We know that FEMA spent nearly $880 million in taxpayer money on 25,000 temporary housing trailers stored around the country, including 11,000 that are currently rusting away in a field in Hope, AR. Why are they rusting away? Because FEMA went ahead and bought the trailers that their own regulation prohibited from being placed in flood plains like New Orleans. They bought trailers for New Orleans that would not hold up in a flood. Great job.

We learned just 2 weeks ago that the Army Corps of Engineers missed an opportunity to negotiate a lower price on a $40 million contract for portable classrooms in Mississippi. Instead, a no-bid and overpriced contract was awarded to an out-of-State firm. There are reports of prime contractors charging upwards of $30 per cubic yard for debris removal, work that actually costs subcontractors as little as $6 per cubic yard. And as the Washington Post reported, four large companies won an Army Corps of Engineers contract to cover damaged roofs with plastic tarp at a price of $1.50 to $1.75 per square foot for work that actually costs as little as 10 cents per square foot. A dollar seventy-five per square foot is enough to buy roofing shingles. Why are taxpayers paying a 1,500-percent markup for plastic tarp?

The list goes on and on: Funding for $438 a night hotel rooms in New York City; FEMA hiring a company as an ice vendor that doesn't own icemaking equipment; millions of dollars for bus services going to a transportation broker that doesn't own buses. We later found that this broker earned almost $1,200 per bus per day while the bus companies themselves received only a little more than half of that.

Together these specific incidents amount to an enormous problem, billions of taxpayer dollars being spent and no assurances that the funds are going where they are needed.

My good friend, Senator COBURN, held a hearing in the gulf coast 2 weeks ago to seek answers from officials in charge of contracting for Katrina. He found that neither FEMA nor the Army Corps of Engineers were able to answer allegations of unreasonable costs and

overhead. They were unable to justify many questionable contracts. In fact, Senator COBURN found that Federal agencies routinely release incomplete data or no data at all about how they have been spending their money on hurricane relief.

Let me put this simply. There is no one accountable for coordinating the oversight of these contracts. As Benny Rousselle, a Louisiana parish president told the Washington Post:

> The federal government ought to be embarrassed about what is happening. If local government tried to run things this way, we'd be run out of town.

I am embarrassed. Senator COBURN is embarrassed. And every single lawmaker in this city should be embarrassed, too. What is worse, we predicted this would happen. That is why we introduced a bill last September, 2 weeks after Katrina, that would have created an independent chief financial officer for Hurricane Katrina recovery. This CFO would have been in charge of every penny spent on Katrina before it went out the door and would have been able to prevent contracting problems before they happened. But while our proposal received some attention, we couldn't find enough people in Congress and, more importantly, the administration who would support it. In fact, we were repeatedly assured by administration officials that a CFO was not necessary, that the money would be well spent. Now after 8 months, $100 billion, and millions in no-bid contracts, overpriced tarp, unusable trailers, these assurances don't mean much.

We think it is time for a new approach. It is time for the Congress to put some of the checks into place that we first proposed last September. Senator COBURN and I will bring to the floor a number of financial accountability and transparency amendments that will go a long way toward eliminating Government waste and stomping out fraud and abuse. Our first amendment creates the chief financial officer position that we first proposed last September. This office would oversee the relief and recovery process and take responsibility for the use of Federal funds. We have witnessed the failure of oversight, communications, and control in the absence of a CFO, and our amendment fills a critical gap. We need to have somebody in charge of the Federal checkbook. The buck has to stop somewhere.

Right now, 8 months after Katrina, we still have Federal agencies pointing fingers at each other. This CFO will ensure that taxpayer dollars are being used efficiently and effectively, and he or she will provide the financial information to Congress that is essential for adequate oversight and accountability. There is simply too much at stake to have no one in charge of these taxpayer dollars.

Our other amendments are commonsense approaches to improving transparency and accountability and to reduce administrative waste. We require the Director of the Office of Management and Budget to issue monthly reports on Federal Katrina contracts that are funded by this supplemental appropriations bill. Every contractor who receives more than $250,000 will have its identity posted on a Federal Web site, including the total amount of funds received and for what purposes. The Web site will also show the contractor's location and tax status and details about the type of contract and whether it was competitively bid. This information is at the heart of transparency. We cannot reduce waste, fraud, and abuse without knowing how, where, and why Federal money is flowing out the door.

We also address the dangerous problem of no-bid contracting for Katrina-related projects. There are, of course, situations in which expedited contracting is necessary for emergencies, but Senator COBURN and I believe contracting officials should have to justify any use of noncompetitive procedures and inform Congress of their actions.

The American people deserve the benefits of competition, when their money is being spent. Under this amendment, the Director of OMB must specifically approve all no-bid contracts and provide details about the contracts to congressional oversight committees within 7 days.

Finally, we would stop excessive overhead expenses from being paid on Federal Katrina contracts. We have an amendment to prohibit contracts where administrative overhead exceeds industry standards. People should not be getting rich off of Federal contracts. They should be getting the job done at a fair price. If exceptional circumstances require higher overhead, Congress must know about it in advance. If the Government is going to spend $1.75 per square foot on a 10-cents-per-square-foot tarp, then Congress has the right to know why. And we better be able to do something to stop it, if necessary.

This is just common sense. The Federal Government must ensure that taxpayer dollars are directed where they are supposed to go. If we can't do that, we fail the American people, and we fail the people who sent us here. We also fail the victims of the hurricanes who need our help to restore their lives and their communities.

With the money in this bill, the Federal Government will have appropriated more than $100 billion in hurricane relief and recovery. I strongly suspect that this figure will increase in the coming years, as it should. But before we spend another dollar in the gulf coast, let's make sure that we have the right transparency and accountability systems in place to ensure that every dollar is being used to help those in need.

In our rush to get money to the gulf coast 8 months ago, we didn't do that. The American taxpayers and, more importantly, the victims of Katrina have paid a heavy price. I urge my colleagues not to make the same mistake again. I urge my colleagues to support Senator COBURN and me in this amendment.

I yield the floor.

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

Mr. COBURN. Mr. President, I thank Senator OBAMA for his hard work. Soon after Katrina hit, one of the things that we noticed from our Federal Financial Oversight Committee was a lack of transparency and accountability in a lot of what the Corps of Engineers does, that FEMA does. We put forward a bill which did not make it out but certainly should have, especially in hindsight, with the waste, fraud, and abuse. I am not going to go through the amendments. The distinguished Senator from Illinois has done that. The American public is entitled to some facts.

We held a hearing 3 weeks ago today in New Orleans. The distinguished Presiding Officer was at that hearing. Here is what we know: Out of $1.6 billion for debris removal, we paid three times too much. We paid the Corps on 30 million cubic yards $5 to administer it; $150 million to the Corps that was contracted through, and then they contracted with a major national corporation which then subcontracted with a regional corporation which then subcontracted.

Here is what we found. The easy work was cherry-picked. The hard work was left to the people of Mississippi and Louisiana and some in Alabama. The local people actually have to do some of the work. One of the ways to achieve recovery in a disaster is to make sure you encourage the employment of locals. What we actually saw was that when the average price per cubic yard was $32—that is what the Federal Government paid—the average price received by those people actually doing the front-end load of work and the dump trucking was $5 a cubic yard. So it was actually six times greater than what the sub sub sub sub—six levels of contractors down, the one that actually did the work—got paid. Understandably, it is a big task. It is understandable that we need somebody. But what we had was a bureaucracy that hired a bureaucracy which then hired five layers of contractors, and each one took something out of the pie and didn't contribute much except the ones actually doing the work.

In our subcommittee we have a poster that says: Accountability and transparency. There is no transparency to this. We have to dig, fight, and almost bite to get the information out of the agencies. These are four very commonsense amendments that will aid in transparency and accountability in the Federal Government.

The Presiding Officer asked during that hearing: Why couldn't the Corps have hired a contract manager or why couldn't the Corps have been the contract manager and taken some of that

profit that was consumed, which was about 60 percent, that didn't actually get to the folks in cleaning up the debris? Why couldn't the Corps have functioned that way? It was such a good hearing that FEMA didn't even stick around to listen to the people from Louisiana talk about their dealings with FEMA. That explains the real problems with FEMA. The contracting officer didn't stay for the hearing to hear the criticisms, factually based criticisms, that were very enlightening.

The second area I will discuss is the Travel Trailer Program. The American people ought to ask: When a trailer costs $16,000 to $17,000, and it costs $50,000 to install, something is wrong. But when you go to look at the $50,000, we see this layering again. We see a layer to the Corps, to a major contractor, to a subcontractor, subcontractor, subcontractor, subcontractor. The American people aren't getting value, No. 1. And, No. 2, the people who deserve to be helped are getting a delay as the process goes through.

I have a couple of pictures to show. This is what we ought to be asking of agencies. We ought to say you ought to be accountable. It ought to be transparent. You ought to be able to find the contractors. As a matter of fact, FEMA doesn't even go down more than one layer in terms of the contracts. That is policy; that is not law. They protect that information so it cannot be available to Members of Congress or to the American public to know what is going on. We ought to be able to see results. We saw that we spent three times as much money to do something over a much longer period of time than what we should have.

We know, for example, the major contracts initially were no bid, of which the Corps took something off of the top as well. There has been no priority setting and no responsiveness, and there has been no spending discipline.

We ought to make sure the moneys that go forward are under the guise of good accounting practices, transparency, and we ought to be able to put in place, as this money is spent, a way for the Congress to hold the agencies accountable on how they spend this money. It is my hope that the leadership, chairman, and ranking member will look at these amendments closely. I think they are very positive in terms of making the needed adjustments.

On homeland security, we had a tremendous number of hearings—I think 24—on FEMA. It relates all the way back up through the Corps and all the way back down. Accountability is sorely lacking. These amendments would correct that.

I thank my friend from Illinois for his insistence and hard work in this area. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized for 30 minutes.

Mr. BINGAMAN. Thank you, Mr. President. I thank my colleagues for yielding the time.

Mr. President, the challenging situation that our country faces in terms of its energy policy, both its short-term and long-term policies, has been vividly illustrated by the high prices of crude oil and gasoline that we are seeing this spring. The world price for crude oil is above $72 per barrel. We have seen crude oil price records being set in the last few weeks in terms of nominal dollars, even though these prices are still below the inflation-adjusted levels of all prices in the late 1970s and early 1980s. We are also seeing gasoline prices above $3 a gallon in many parts of the country.

In my home State, many are forced to drive long distances to work, without the prospect of carpooling or public transportation. This precipitous rise in the price of gas at the pump places a nearly unbearable squeeze on family budgets for too many in my home State and across the Nation. Consumers are confused and angry as to why these prices are occurring now. Their anger is stoked by reports of the high salaries and retirement packages being handed out to executives in the oil and gas industry.

There are many reasons energy prices have moved into this price zone that is so unacceptable to most consumers. One factor is that strong global demand for energy has collided with a number of other factors that have reduced supply. One factor is the reduced supply from Iraq. Prior to our invasion, Iraq was producing 2.6 million barrels of oil per day. Now it is producing less, more like 2 million barrels per day. These export levels are far below the potential production from Iraq because its prewar oil output had been diminished by years of sanctions imposed as a means of constraining Saddam Hussein's power and influence. Today, Iraqi oil production is hostage to the internal civil strife and instability in that country.

Another nation with significant exports of oil and gas is Nigeria. There, too, domestic civil unrest, particularly in the oil-producing regions where the population believes they have not been given the benefit of that production, has led to less production and greater uncertainty.

International tensions over Iran's nuclear ambitions have contributed to further instability and upward pressure on oil prices because Iran is a major oil exporter, and its territory forms part of the Straits of Hormuz through which most of the oil from the Middle East passes in order to reach international markets.

Finally, closer to home we still have not fully restored the gas production of the Gulf of Mexico that was lost during last year's hurricanes. Oil production in the Gulf of Mexico is still some 335,000 barrels per day short of the pre-Katrina levels. That is equivalent to over 22 percent of the former daily production in the Gulf of Mexico that is still off line. The cumulative loss of oil production from the Gulf of Mexico since last year's hurricanes is now over 150 million barrels.

This constriction of supply has made it difficult to meet the growing demand in the United States and around the world. Our own consumption of oil, particularly in the transportation sector, for the past two decades has been rising with no end in sight. Developing countries, too, are increasingly following energy paths that require substantially increased oil consumption. Their populations are becoming increasingly mobile in privately owned automobiles. In some cases, their electricity generation infrastructures have become more dependent on oil and diesel-fired generation to compensate for uncertainties in the shipment of coal within their borders, and consequently the reliability of coal-fired electric generation.

Mr. President, I do not believe, though, that the high price of oil is entirely explained by supply and demand dynamics. Oil and natural gas are increasingly traded as commodities by and among investment firms. This adds strong upward pressure on prices from speculative forces. At a time when other investment vehicles show less attractive returns, the idea of riding the rise in oil prices as an investment portfolio management technique has gained a strong following among investment and hedge funds. We may not have the right balance between allowing such market forces to supply initial investment capital and allowing them to set off speculative frenzies that drive up prices for consumers everywhere.

One proposal made in the context of this current supplemental appropriations bill, which we are hoping to finish action on this week in the Senate, is to reduce for a time the Federal tax on gasoline. That is a proposal that has been made at several points in the past when prices rose significantly over a short period of time. A variant of that basic idea is the proposal to give a direct cash payment to taxpayers.

In my view, neither is likely to provide immediate or significant relief to consumers. Both are logistically difficult to carry out. The amounts of money that a consumer would see are quite small in contrast to the runup in prices they have been experiencing. Neither proposal is a real solution to the underlying energy problems. We need to get at those real challenges in a more fundamental and realistic way.

So the obvious question is, What can we in Congress do in the remaining weeks of this session of Congress that would be bipartisan, that could be signed into law by the President, and that would hold out the prospect of eventually helping to moderate the price of gasoline at the pump? I thought for some time that the most effective way of approaching the real issues that are driving the high prices

that consumers find unacceptable today was through a four-part strategy that is focused on, first, increasing consumer protection, and we all talked about that, and I will discuss it in more detail in a minute; second, increasing supply, and there are steps we can take that over the medium and long term will help with that; third, increasing efficiency in the use of oil and gas; fourth, providing incentives for forward-looking energy choices in the market.

A strategy along those lines is best undertaken in the Senate by building bipartisan consensus through our normal legislative channels. The current flurry of partisan amendments on this supplemental appropriations bill risks having us make some snap energy policy decision, with implications we likely do not fully appreciate and will perhaps later regret. So let me describe the four-part strategy that I believe is a better path forward for us to consider.

The first area on which I will focus is consumer protection. We have a variety of consumer protection measures in law today, but we have not yet convinced most consumers that we have all the tools necessary to address their concern that some of the price rise they are seeing is the result of price gouging. Every time we have an episode where prices suddenly increase, our response seems to be to call for another study of whether any price gouging in general is occurring. It takes a very long time to get such overall studies underway and completed.

A good example is the study on price gouging that was called for in the Energy bill signed by the President last August. Here it is almost 9 months later, and we still don't have any report back from the Federal Trade Commission in response to the directive that they do that study.

To the extent that price gouging is occurring, it is probably not something that is occurring on a massive industry-wide scale. Thus, it is questionable whether it would be picked up by such a study. It is probably a more episodic phenomenon. So we don't really need more general studies of this subject. What we need, in my view, is to make sure our system of laws is sufficiently robust that persons who engage in price gouging can be successfully prosecuted. States have their individual laws, but we don't have a Federal law that can address price gouging strategies that are interstate in scope.

Our first step to protect consumers, then, should be to strengthen our national ability to detect and directly address specific instances of gouging that occur across State lines. There are several bills introduced to fill this gap. One is a bill that Senator BILL NELSON and I have introduced, S. 1744. It is modeled on the price gouging statute of the State of Florida. It is not the only such bill, though. Senator CANTWELL introduced a bill addressing price gouging, S. 1735, as has Senator SALAZAR, S. 1854, and Senator SMITH, S. 1743. What is important is that we address ourselves to the task of crafting a statute that fills the gap in potential enforcement that now exists.

That is something that the administration has not been willing to do. In testimony before a joint hearing of both the Energy Committee and of the Commerce Committee, the Chair of the Federal Trade Commission, Deborah Platt Majoras, belittled the need for price gouging prohibitions at the Federal level. She testified that no ''Federal statute makes it illegal to charge prices that are considered to be too high, as long as companies set those prices independently.'' She went on to say that ''the omission of a Federal price gouging law is not . . . inadvertent,'' but ''reflects a sound policy choice. . . .''

In her testimony, the Chairman of the FTC suggested that enactment of a Federal price gouging law would not be ''appropriate'' and ''likely will do consumers more harm than good.'' She said that oil companies' ''independent decision to increase price is—and should be—outside the purview of the law.''

President Bush recently made a public statement that ''the Government has a responsibility to make sure that we watch very carefully and investigate possible price gouging'' in the sale of gasoline, and that his administration ''will do just that.'' It is unclear how his public statements that his administration will take action against price gouging squares with the statements of the head of his Federal Trade Commission that it is neither illegal, nor should it be made illegal.

Mr. President, there are those who argue that price gouging is not a significant problem. They may be right. But consumers have a right to know that there is a law prohibiting such activity and that it will be enforced to the extent possible by the Federal Government.

Another area that Congress should give some priority to in terms of protecting consumers is in the area of preventing speculative frenzies from accelerating prices of crude oil and gasoline to the detriment of consumers and to the detriment of the economy at large. Here we lack basic information that might help us to quantify and address the problem. There are important gaps in publicly available data on how much trading of oil and natural gas is going on, whether it is lending needed capital liquidity to markets or, on the contrary, is distorting those markets in ways that hurt consumers. We need to develop a way to get more transparency into those markets so that we can see if there is any manipulation or gaming of the system occurring.

Frankly, we do not know enough at this time to determine whether legislation in this area is required. Last week, I asked the Congressional Research Service to prepare a report analyzing the extent of the problem which I hope can be used then to determine the questions on which we need to focus in determining whether legislation should be passed.

The second area I mentioned on which we need to focus our efforts in Congress is to increase supply. This is an area which received a fair amount of attention in last year's Energy bill.

Title III of the act last year contained numerous provisions aimed at boosting future supplies of oil and natural gas. Among these provisions was new dedicated funding to speed the processing of oil and gas leases and permits on Federal land, and we are seeing that new direct spending beginning to have an impact on the backload of applications to drill in less controversial areas onshore in the United States. There are still too many applications in the pipeline, but we are making progress on the challenge of approving those in a timely and environmentally responsible way.

The Energy Policy Act we passed last year also had provisions to help speed the permitting of new refining capacity. To hear people today talk about this issue of our national capacity to refine oil into gasoline, one would think that nothing has happened in this country in the last 30 years.

The President and others are fond of saying that we have not built a new refinery in the United States since 1974. That is technically true, but it is also a highly misleading way to talk about this issue. We have built a great deal of new refining capacity in this country over the past decade. According to the Energy Information Administration in the Department of Energy, in the 7 years from 1996 to 2003, we added 1.4 million barrels per day of new refining capacity at existing refinery sites. That is the same capacity-building equivalent as if we had opened one new medium-size refinery in the United States each of those years from 1996 to 2003. The Energy Information Administration continues to project growth in U.S. refining capacity, and their projections are being validated by actual announcements of new refining expansion projects. Just last week, Shell announced that it would be adding another 325,000 barrels per day of refining capacity at the refinery it jointly owns in Port Arthur, TX. That capacity will be on line in 2010. So when we look at the actual facts on U.S. refining capacity, we see a different picture than the extreme one the President and others have put forth.

That is not to say we cannot do an even better job of responsibly increasing refining capacity. For example, the Government should look for ways to bring stakeholders together to cooperate more in the siting of refineries outside the Gulf of Mexico coastal region, but we need to act in Congress on the basis of actual facts and not on the basis of overheated and inaccurate rhetoric.

If we want to make further progress in increasing domestic oil supplies—

and we should want to do so—we need to look no further than some of the promising areas in the Gulf of Mexico that were put off limits by the administration when it first came into office back in 2001. The administration took a large tract of potential production, called lease sale 181, and cut it down dramatically from the proportions that had been agreed to by then-President Clinton and then-Governor Lawton Chiles of Florida. With the stroke of a pen, over a billion barrels of oil resources and over 6 trillion cubic feet of natural gas were taken off the table. That was a mistake, and I and others decried that at the time and have tried to reverse that decision.

This year, we have a bipartisan bill to restore much of that lost productive capacity, thanks to the leadership of Senator DOMENICI and our Energy and Natural Resources Committee. Our committee recently reported a bipartisan bill sponsored by the chairman, cosponsored by me, to put most of the original lease sale 181 area back on the table for consideration for accelerated action. The vote in the Energy Committee was 16 in favor and only 5 against. The bill is on the Senate calendar now, and it is the kind of constructive, bipartisan approach to our energy challenges we need to be embracing.

The third way we should act to moderate the prices we are seeing today in the oil and gas markets, beyond adding to consumer protections, beyond increasing supplies, is we need to focus more strongly on increasing energy efficiency and particularly increasing efficiency in our use of oil and natural gas.

Increasing energy efficiency represents the most promising untapped potential for further legislative action by this Congress. Some ways of increasing energy efficiency can help to dampen the demand in the short term and actually have an impact on prices.

In thinking about more efficient use of oil, we need to face up to the fact that most of our oil is consumed in the transportation sector. Growth in transportation demand for oil is the single largest factor in the growth of our dependence on imported oil. So improving the efficiency of our use of oil and natural gas—these were the areas, frankly, in which last year's Energy bill turned in its weakest performance.

The Senate adopted a number of reasonable proposals to promote more efficient use of oil and natural gas when we passed our version of the bill, but the most significant of those provisions we passed in the Senate had to be dropped in conference because of the strong opposition from our colleagues in the House of Representatives. These Senate-passed provisions included mandating an economywide oil savings target, increasing tire efficiency standards, and implementing a renewable portfolio standard for electricity.

Since the passage of last year's Energy bill, there has been continued interest in these proposals, and last year a bipartisan group of Senators, led my Senators BAYH, BROWNBACK, LIEBERMAN, and COLEMAN, introduced a comprehensive bill, S. 2025, the Vehicles and Fuel Choices for America Security Act. That bill provides a mix of energy policy and energy tax incentive proposals aimed at moving our economy toward both a more efficient use of oil and a more diverse future mix of transportation fuels, including biofuels. I strongly support many of those proposals. I am joining them as a cosponsor of that bill.

Because that bill contained both policy and tax provisions, it was referred to the Finance Committee. Yet many of the provisions of this bill are in the jurisdiction of the Energy and Natural Resources Committee, which ought to review and report those provisions to the full Senate. For that reason, I am joining with a number of those sponsors of S. 2025 to introduce a new bipartisan bill this week that will take those energy policy provisions and put them in a bill that will be referred to the Energy Committee. In this way, we will have a starting point for what I hope will be an effective and bipartisan committee process in the tradition of the bipartisan leadership on energy that our committee enjoyed under Senator DOMENICI's leadership last year in the passage of the Energy bill.

Among the most important provisions of S. 2025 and the new bill will be an emphasis on an expanded plan for economywide oil savings. The President would be required to come forward with a plan to cut our oil use from projected levels by 2.5 million barrels of oil per day by 2016, 7 million barrels of oil per day by 2026, and 10 million barrels of oil per day by 2031.

The new bill includes a number of initiatives designed to reduce our total reliance on petroleum products in the transportation sector. I will not elaborate on all of those at this point.

The fourth area of focus needed for our energy efforts is to create fiscal incentives that help forward-looking energy technologies to enter the market. As is often the case with technological advancements, many of the energy technology alternatives that are poised to enter the marketplace will not be able to successfully compete without transitional help. In many cases, the problem is simply a matter of cost. Fuel efficient technologies are more expensive in the near term than their less efficient counterparts, even though they provide us with greater energy security in the long term.

So lack of market share will also make it difficult for emerging technologies to take hold and, thus, make them more attractive to consumers. For instance, the manufacture and sale of dual-fuel E–85 in gasoline vehicles has been inhibited by the lack of appropriate refueling stations, and, of course, the relatively small market penetration of these cars has inhibited the growth of appropriate fueling infrastructure.

One of the main reasons we have not seen better development of more fuel efficient and alternative energy technologies is that the Government, for the most part, has had too simplistic a view of the market and has not given adequate attention to the many barriers to moving advances of research and development into the market itself. The Energy Policy Act took some important first steps to remedy that, but much more can be done.

Again, there are a number of sensible proposals for additional tax incentives. Some of those are contained in S. 2025 to which I have referred. Still others are in S. 2571, the Breaking Our Long-Term Dependence Energy Act that Senators Conrad and Dorgan introduced. And later this week, I will be introducing another bill that will take these and other tax incentive proposals that have broad bipartisan support and put them in a form that can easily be acted upon by the Senate Finance Committee. I will not at this time elaborate on all the provisions in that legislation, but suffice it to say that these are proposals which have bipartisan support in other legislation and which I think are very meritorious and deserve our consideration.

I have laid out proposals in four areas that I believe are both useful and achievable in the remaining weeks of this Congress: first, increasing consumer protection; second, increasing supplies of energy; third, increasing efficiency in the use of oil and gas; and fourth, providing incentives for forward-looking energy choices in the marketplace. These proposals will best advance if we use a different method of legislating on energy than we have seen in the last week or so.

Frankly, trying to legislate on this supplemental appropriations bill seriously about energy is not the right way to proceed. We need to know what we are doing and what various measures will cost and what they will achieve, and we lack the basic information for many of the proposals that are being put forth in the context of this supplemental appropriations bill.

The complexity and importance of energy policy is a good reason to ask the relevant committees to give some of these proposals their urgent attention. Each of the bills I have described is designed to go to a single committee with jurisdiction over most, if not all, of its contents. I believe this is the best strategy, if the committees then will do their work on a bipartisan basis.

This strategy certainly has worked with respect to one of the bills I mentioned, the bill to open up lease sale 181. The Energy Committee was able to schedule timely hearings and a markup of that proposal, and it is now on the Senate Calendar. I compliment, again, Senator DOMENICI for his efforts to get that bill to where we can act upon it.

Similarly, we have had good bipartisan engagement over the years in our Finance Committee on energy tax incentives, and I look forward to working

with Senators GRASSLEY and BAUCUS on the ideas in the tax incentive bill I mentioned a few minutes ago.

Finally, I hope we can see bipartisan progress on marking up price-gouging legislation in the Commerce Committee. It has been several months since the joint hearing on price gouging, and there are legislative proposals awaiting action before that committee.

In addition to leadership at the committee level, obviously we will need the leadership of our entire Senate in order to move ahead in the remaining weeks of this Congress. In my view, it makes sense for the leadership of this Senate to structure our work on energy this year around a series of three to four bills that leave the Senate bound for action in the House of Representatives by a single committee. That is much better than trying to pass another Omnibus Energy bill.

Let me conclude by pointing out that time is short. As of today, we have 16 weeks before the scheduled adjournment of this Congress. Given that most of our work seems to be done on Tuesdays through Thursdays, that will translate into as few as 48 more full working days, and that is not a great deal of time. By the same token, there appears to be enough time to consider controversial measures which we have been advised are going to be brought to the Senate floor for debate and consideration, such as flag burning, gay marriage, and a variety of other issues which, in my view, do not impact on the day-to-day lives of my constituents nearly to the same extent these energy issues do. I believe our time would be better spent on issues where both progress and bipartisanship are far more likely. With the appropriate attention by the relevant committees, a series of energy proposals could be brought to the Senate floor.

I thank my colleagues who have proposed the various bills to which I have referred. I hope that despite the short time remaining in this Congress, we can make some additional progress on finding real energy solutions for our consumers. Our constituents are looking to us for leadership and action on these important issues.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). Will the Senator from New Mexico please come forward to be the Presiding Officer? I would appreciate that.

Mr. BINGAMAN. Mr. President, I am glad to, and 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, first of all, let me compliment my colleague from New Mexico on his presentation about energy. I know in recent days I have read reports by various spokesmen and spokeswomen here in Washington and in the press around the country saying that there is a lot of hysteria in the Congress about the price of gasoline and the price of oil, and the Congress is making much ado about nothing, according to some. It is a very serious issue, and it suggests an even tougher set of circumstances to come with respect to this country's energy supply. Let me describe some of the reasons why, and let me add to some of the things my colleague from New Mexico just described that I believe our country must do in order to resolve these problems.

We have about 20 million vehicles that are being driven in the country of China today, I am told. China has 1.3 billion people, with about 20 million automobiles. In 15 years, it is estimated that they will have 120 million automobiles. In other words, China is set to add about 100 million cars and trucks to their roads. Will that substantially change demand for oil? Yes, it will. Will it have an effect on the price of oil and the accessibility of oil? It will, and it will have an effect on us in the United States. That is not because of our difficulty today, but it is reason to be concerned about tomorrow.

Every single day, we take about 84 million barrels of oil out of this Earth. Every day, about 84 million barrels are sucked out of this planet and used. Twenty-one million barrels are used here in the United States. One-fourth of all the oil that is taken out of this planet every single day is used here in this country. This country has a lot of automobiles, a lot of vehicles. We are an advanced country, we are highly developed, and we use a great deal of energy. Now we see the price of oil spike to $75 a barrel, the price of gasoline at the pump to $2.80, $2.90, $3 and above per gallon, and people are concerned about that, and should be. It ought not be a surprise to anyone that people in the Congress are concerned about this issue.

The fact is, we have a circumstance where there is one sector that has all of the gain, and all of the rest of the American people experience all of the pain. I am not in any way opposed to the oil industry. I have supported the oil industry on many occasions and will again, I expect. We need oil. We need to use our fossil fuels, and we will continue to need to do that, as far as I can see, for the long term. So we need to produce more. As an energy policy, we need to produce more. We also need to conserve more. That is very important. We need to provide new and different kinds of energy in the form of renewable energy. Most especially, in addition to conservation, we need what is called efficiency for all of the things we use every single day.

Let me talk a little about what has happened in this country. This chart shows the expression of concern that a lot of people have these days. This shows the largest oil companies—there are only four up here, but this shows the increase in profits—I guess there are actually five—the increase in profits year by year: a 17-percent increase in profit, a 43-percent increase in profit. ExxonMobil went from $21 billion in net profits to $36 billion in net profits in 2 years. Shell had a 47-percent increase in profit. We see another 37 percent increase in profit.

Now I am not opposed to profits. I am opposed to profiteering, but I am not opposed to profits. We have a capitalistic system, a market system. It works. Having taught some economics in college, I don't know of a better system of allocating goods and services than the so-called free market system of capitalism that exists here in this country. It is by far the best method of allocation of goods and services. But that free market sometimes doesn't work very well, and sometimes it needs a referee.

I am reminded of the fact that it is the free market which has given us a circumstance where a baseball shortstop signs a contract that is the equivalent of the payment to 1,000 high school teachers. So you weigh it, right? The free market system says a shortstop in the Major Leagues is worth 1,000 high school teachers. Do you think so? I don't. It seems kind of strange to me. Then there is Judge Judy. I seldom watch Judge Judy, but occasionally, when my television remote moves past the channels, I see her. She seems kind of intemperate to me. Judge Judy, according to People Magazine, makes I believe about 200 times the amount of income that Judge Roberts, the Chief Justice of the Supreme Court, makes. Free market system? Fair? Thoughtful? I don't know. It doesn't seem right to me, but that is the system, I guess. So the free market system is a system which I have always supported, but it does from time to time create strange results and needs a referee.

Having said that, we don't have a free market in oil in any event. With respect to the oil market in this world, you have several things happening.

One, you have OPEC ministers, and OPEC ministers from the OPEC countries sit in a room and they make a decision: How much are we going to produce, and what price do we want for it? So they decide how much they are going to produce. They are a cartel. I mean, that is the antithesis of the free market.

It is interesting that on this planet of ours, we have 6-plus billion people, and we circle around the Sun on this planet of ours. For some strange reason, we have been blessed by the Almighty in this wonderful country of ours with a standard of living that is nearly unparalleled, and yet that which we need to use, particularly in the case of oil, exists under the sands—in the largest quantities—under the

sands, for example, of Saudi Arabia and Kuwait and Iraq.

The OPEC ministers from the OPEC countries sit around a room, and I assume it is a closed room, but I don't know because I have never been there. I assume they sit around in a closed room and make judgments about how much they are going to produce and how much they want for it.

Second, the oil companies are the ones who decide these days because they have more raw muscle in the marketplace—and I might just point out that they all now have two names. They used to have one name, but then they got romantically entangled and decided to marry up. Exxon used to be Exxon, but Exxon fell in love with Mobil and by and large it became ExxonMobil. Chevron-Texaco and ConocoPhillips, they all had a romance and they all merged, and this orgy of mergers—these megamergers became these blockbuster, huge companies, and that now gives them more muscle in the marketplace, and that is just a fact. It is hard to contest.

So again we have the OPEC ministers sitting around the table, and then we have the large oil companies, much larger because of the blockbuster mergers, and then third and finally we have the futures market. And the futures market regrettably has become, in my judgment, just a huge amount of speculation, giant speculation about oil. I understand how that speculation works, but sometimes speculation drives these markets in ways that are completely unintended.

So we don't have a normal supply-demand relationship with respect to the price of oil. As a result of that, today people drive to the gas pump and it costs $50 or $60 to fill up with a tank of gas. A farmer is trying to figure out how to order a load of fuel for their farm to put in the spring planting, and then they try to figure out: How on Earth am I going to pay for it? And even as they drive up to the gas pumps and the farmers try to figure out how they are going to pay for a load of fuel, they see the profits of the large oil companies, the highest profits in the history of corporate America, the highest profits ever.

The minute you say that, people say: Are you against profit? No, I am not. I am not at all. But I think it is pretty unfortunate that you have one side with all the pain—that is, the consumers—and on the other side are the biggest oil companies with all the gain. It is almost as if you have a hose hooked up to the pocketbooks of the American people just sucking money out to go right to the treasuries of the big oil companies.

So what do we do about that? I propose a windfall profits rebate. It is simply this: We say to these companies, the major integrated companies—only the major integrated companies—we say this to them: On profits above $40 a barrel—and I picked $40 a barrel because that was the price in 2004, the average price at which the industry had the highest profits in their history—at profits above $40 a barrel, you will have a 50-percent collection fee you have to send, which will be rebated back to the consumers. The Federal Government will get the money and rebate it to the American consumers. So it is a windfall profits rebate. We collect it and then send it all back to the consumers.

There is a way the oil companies wouldn't have to pay that. In the legislation I have proposed, the way they would avoid paying that is if they are investing all of that windfall profit back into the ground to explore for more energy and thereby increase the supply of energy, or if they are building refineries above ground, then they wouldn't have to pay it.

They say: We need these profits because we are using them to invest back into exploration and drilling to find more oil, but they are not. They are doing some of that, but they are using the majority of their profits to buy back their stock or to drill for oil on Wall Street—and incidentally, there is no oil on Wall Street. But if they, in fact, were doing what they claim they are now doing, they wouldn't be affected by the proposal I offer. A windfall profits rebate would say to the oil industry: If you are not using these profits to expand the supply of energy and therefore reduce the price of energy, then you are going to have to pay this and it will be coming to the Federal Government and rebated to the American consumers from whence it came. It is pretty simple.

We are literally, unfortunately, in this country held hostage to this price of oil and therefore the price of fuel and the price of gasoline. We can do something about it in an aggressive way in the longer term.

I helped, along with 2 of my colleagues, to write the renewable fuels provision that was in the energy bill. We are going to go to 7.5 billion gallons of ethanol fuel by 2012. That makes sense to me, using renewable fuels and being able to have farmers plant in their fields the corn that can be turned into ethanol. Then we could drive up to a pump someday and say: Fill it up with corn. That makes sense to me. Biofuels, ethanol, biodiesel makes a great deal of sense. As I said, I was one of three Senators who wrote the provisions that will take us now to 7.5 billion gallons a year, more than double the ethanol we are now using.

Wind energy. How remarkable it is to be able to take the energy from the wind with the new, better turbines, more efficient turbines, take energy from the wind and turn it into electricity. By the way, using electrolysis, you can separate hydrogen from water and produce hydrogen and use hydrogen in a hydrogen fuel cell vehicle. By the way, with the hydrogen fuel cell vehicle, which I hope will be our future, you put water vapor out the tailpipe and have twice the efficiency of power to the wheels. What a remarkable thing.

Virtually everything in our life has changed. Technology is unbelievable. The Lunar Lander, in 1969, when our two astronauts, Neil Armstrong and Buzz Aldrin, landed on the Moon—a new automobile today, sold in the United States right now, has more computing power in it than the Lunar Lander that landed them on the Moon.

My point is technology is changing everything. It is unbelievable what is happening with technology. But you know something, nothing has changed with the car or automobile with respect to the way you fuel it. It is full of computers, full of technology, it has more computing technology than the Lunar Lander that landed on the surface of the Moon, but nothing has changed since 100 years ago with respect to fueling a car.

I often tell my colleagues that my first car was a 1925 Model T Ford that I bought for $25 dollars, and as a teenager, I spent 2 years rehabilitating this old Ford. I discovered later you can't do much with the Model T, you just drive it until it starts boiling over and then turn and drive it against the wind for half a mile and then drive it a little more, so I sold it. But I loved rehabilitating that old Model T. What I discovered about a Model T is you put gasoline in a 1924 Model T Ford exactly the same way you put gasoline in a 2006 Ford: You drive up to the pump, take the cap off the fuel tank, you put the hose in, and you start pumping. Nothing has changed. Almost everything else in our lives has, but nothing has changed with respect to fueling a vehicle.

That is why I think, in the long run, we ought to go to a hydrogen fuel cell future. I hope our children and grandchildren are driving vehicles that do not need to use gasoline from oil. That's my fervent hope. That can happen if we make it happen.

We decided to go to the Moon, and we did it by the end of a decade. We can drive vehicles by remote control on the surface of Mars. But we can't figure out how to remove ourselves from our addiction to oil, particularly most of which comes from troubled parts of the world? That doesn't make any sense.

I think we have an intermediate strategy, including renewables, wind, biodiesel; it includes dramatic conservation including more efficient automobiles and a range of other things—more efficiency; more production. Yes, we need to produce more oil. I don't believe we should produce in ANWR. I do support producing in Lease 181 of the Gulf of Mexico. There are a range of areas I think we can and should produce, in areas in which we are not now producing.

But at this point I think we ought to understand, if we sit by and do nothing at a time when you have all of the gain from these dramatically increased oil prices going to the largest integrated oil companies, only part of which is being invested back into searching for more energy, while all of the pain goes

to the rest of the American consumers, I think we should not be surprised when consumers say to Congress: What on Earth are you doing? When are you going to get off your backside and do something about this?

People have a right to expect that Congress will take action when things go haywire, when something is wrong. Clearly, what is happening now is not right. My hope is in the coming days we will see action on the floor of the Senate that begins to address these issues. They are not easy to address. I understand that. But to suggest that there is nothing wrong, to put our head in the sand and say this is just a temporary aberration, don't worry about it—after all, we can easily afford a tank of gas on congressional salaries. What about people who cannot afford the tank of gas? That money is going, not incidentally, just to the major oil companies. We have 60 percent of our oil coming from off our shores. A portion of this money goes to the Saudi royal family, and they thank you. But it is not fair.

There is much to do. I notice in recent days a real pushback by those who say: Don't be hysterical about this, let's not do anything, let's not play the blame game—let's do nothing. Let's just let the coffers of the major integrated oil companies fill up, don't worry a bit, let people exhibit the pain, don't worry a bit, this will all be fine in the long term. John Kenneth Galbraith stated: In the long term we are all dead.

How about in the short term? What about the intermediate term, where we can do something about the problems that exist, the real problems that confront this country?

This country deserves better than it is getting. This country deserves leadership. It deserves aggressive leadership to tackle problems that are real problems in the lives of the American people. This is one.

My hope is that that leadership is something that we can exhibit sooner rather than later.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Mississippi.

AMENDMENT NO. 3676

Mr. COCHRAN. Mr. President, there are several amendments that have been cleared on both sides of the aisle. Consequently, I call up amendment No. 3676 on behalf of Mr. BENNETT regarding the Wildlife Habitat Incentive Program.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BENNETT, for himself and Mr. KOHL, proposes an amendment numbered 3676.

Mr. COCHRAN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify the availability of certain funds made available for the wildlife habitat incentive program)

On page 135, after line 26, insert the following:

WILDLIFE HABITAT INCENTIVE PROGRAM

SEC. 2. Funds made available for the wildlife habitat incentive program established under section 1240N of the Food Security Act 1985 (16 U.S.C. 3839bb–1) under section 211(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) and section 820 of the Agriculture, Rural Development, Food and Drug administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–59) shall remain available until expended to carry out obligations made for fiscal year 2001 and are not available for new obligations.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3676) was agreed to.

AMENDMENT NO. 3711

Mr. COCHRAN. Mr. President, I call up amendment No. 3711, on behalf of Mr. NELSON of Florida, regarding Cape Canaveral Air Station in Florida.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. NELSON of Florida, proposes an amendment numbered 3711.

Mr. COCHRAN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide that funds made available for the Air Force for military construction for the Satellite Processing Operations Support Facility at Cape Canaveral Air Station, Florida, shall be made available instead for the Satellite Alert Facility at Cape Canaveral Air Station, Florida)

On page 253, between lines 19 and 20, insert the following:

SATELLITE ALERT FACILITY, CAPE CANAVERAL AIR STATION, FLORIDA

SEC. 7032. The amount appropriated by the Military Quality of Life and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114) for the Air Force for military construction that remains available for the Satellite Processing Operations Support Facility at Cape Canaveral Air Station, Florida, shall be made available instead solely for the Satellite Alert Facility at Cape Canaveral Air Station, Florida.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3711) was agreed to.

AMENDMENT NO. 3774

Mr. COCHRAN. Mr. President, I call up amendment No. 3774, on behalf of Mrs. HUTCHISON, regarding a clarification of funds for the Department of Veterans Affairs.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mrs. HUTCHISON, proposes an amendment numbered 3774.

Mr. COCHRAN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify the availability of certain Construction, Major Projects, funds for the Department of Veterans Affairs)

On page 190, beginning on line 7, strike "*Provided,*" and all that follows through "*Provided further,*" on line 11, and insert the following: "*Provided,* That of that amount, $12,000,000 may be available for environmental cleanup and removal of debris from Department of Veterans Affairs land in Gulfport, Mississippi: *Provided further,* That of that amount, $50,000,000 shall be available for any purpose for which funds in the 'Construction, Major Projects' account are available under law:".

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3774) was agreed to.

AMENDMENT NO. 3702

Mr. COCHRAN. Mr. President, I call up amendment No. 3702, on behalf of Mr. CHAMBLISS, regarding a review of Department of Defense mortuary affairs.

The PRESIDING OFFICER. Without objection, the amendment is pending.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3702) was agreed to.

AMENDMENT NO. 3644

Mr. COCHRAN. Mr. President, I call up amendment No. 3644, on behalf of Mr. SALAZAR, regarding an IED training report.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. SALAZAR, proposes an amendment numbered 3644.

Mr. COCHRAN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require a report on the strategy of the Department of Defense for providing training to members of the Armed Forces on countering improvised explosive devices)

On page 102, line 15, insert after "the threats," the following: "the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices,"

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (number 3644) was agreed to.

Mr. COCHRAN. Mr. President, that concludes the list of amendments that

had been cleared on both sides of the aisle.

Knowing of no one seeking recognition, 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. BOXER. 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.

Mrs. BOXER. Mr. President, thank you. And I thank my colleagues who are working so hard on this emergency supplemental bill which has so many important issues that address the needs of our troops: the need to get the equipment they need, the protection they need, and the needs of the people in the area that was struck by Hurricane Katrina.

But I have to say this war, as we know today—and the President said 3 years ago ''Mission Accomplished''—this is not exactly an emergency that he didn't know about, and the war should be paid for in the budget and not in an emergency supplemental. The war is known. The costs of the war were anticipated by some people whom this administration fired, and the costs of this war are spinning out of control.

In my own State, about 23 percent of the debt is from people who are from California or based in California, and we are suffering mightily with these debts. The mental health problems of those veterans coming home are not being addressed in the appropriate way. We read about suicides which are off the chart, and divorces are off the chart.

I have to say I am very disappointed and concerned and angry that Secretary Rumsfeld still hasn't appointed people to a mental health task force that this Senate voted on and said we ought to have, that the House accepted, and that the President signed into law. On April 7th, that mental health task force was supposed to be in place, and we still do not have the people assigned to it, while our veterans are coming back in very bad shape. I don't understand it. I call on Secretary Rumsfeld to do his job and follow the law and appoint the people to this commission.

Frankly, we are not doing right by our veterans.

The Senator from Washington is here. I know how much she cares about this issue. I know how hard she fought to expose the fact that the veterans health care budget was underfunded. And with her hard work and reaching across the aisle, we were able to add funding to the veterans health care system. But the needs of our soldiers are still not being met. The horror they face is having a big impact on them when they return home.

I will be offering an amendment that addresses this mental health commission, assuming that the Secretary of Defense has not acted. I will also be talking about a very important facility that we need to set up in San Diego to deal with the west coast injured—from Washington, from Oregon, and from California. We do not have a place to treat these who are being injured. A lot of these families on the west coast have to travel to Texas, or have to travel to the east coast, and the Navy wants to see this facility built. I will be speaking about that.

Unfortunately, we could not come to an agreement on the immigration legislation that I thought was well thought out. The McCain-Kennedy bill that took a look at the whole immigration issue said: Yes, we must strengthen the border. We have to stop illegal immigration at the border, but we also must deal with the hard-working people who have been here and bring them out of the shadows, not put them in front of the line; put them in back of the line, put them on a path to legality. That bill was not forthcoming from this body.

Then Senator MARTINEZ and Senator HAGEL offered another compromise which I thought was not as good as the original one because I think it will be a bureaucratic nightmare to administer, but at least it is a compromise between those who want to strengthen the border and those who want to give people a path to legality. Yet we had a vote on that, and Republicans voted right down the line, no. They wanted to have endless numbers of amendments.

I have to say it is up to the Republican leader to bring this issue back before us and to resolve it. It is key to my State. It is key to the country. I hope we can work together and once and for all resolve it.

Lastly, I want to talk about gas prices. Many Americans are paying well over $3 per gallon for gasoline. Certainly, in my State, I have seen gasoline over $4 in my State. I have heard predictions that that is coming.

On a television show yesterday, our Department of Energy Secretary, Mr. Bodman, had bad news for Americans. He said: Well, I guess we are in a crisis. I am not embarrassed about it. But you know there is a problem. We have lost control of supply. I am not embarrassed. Gas prices are high.

I don't understand what kind of leadership we have here in this country with this administration. When you talk about Iraq, the President says: Gear up. We are going to have more deaths. He doesn't give us an exit strategy, and he doesn't tell us when this long nightmare is coming to an end. Oh, just brace yourself, more casualties.

Then you have the Secretary of Energy, and he doesn't say: Here is my plan. We are going to look at these oil companies. We want to understand why they are making record profits when they say they are suffering with higher costs, that they were simply passing the costs on to us. Yes, prices are going up at the pump, but their profits would be level. Their profits are off the chart. One of their retiring CEOs had a $400 million package when he left.

I do not know how the oil companies can say with a straight face that all they are doing is passing on costs when they give one individual $400 million.

Think about the average small business in America. They would never dream of seeing $400 million. This is for one individual.

I was pleased. I was on one of the Sunday shows with Senator TRENT LOTT, and we were really looking at this out of the same lens. He was just as upset. And when we talked about windfall profits taxes, he said he is willing to look at it.

I hope there is a way we can address the gas prices in this bill. I have been working to try to make amendments germane to the subject, and if we can't get them on this bill, we are not going to go away.

We hear that Katrina, the Middle East, Iran, and Iraq are the reason for these prices. And there is no question that instability in the world and the aftermath of Katrina is hurting us. But, again, if these external factors are all it is, we would be willing to pay for that. But, obviously, they are adding a hunk of money into their profits. That is very clear. We are seeing profits off the chart.

In the first quarter of this year, Chevron had profits of $4 billion, up 49 percent compared to the same quarter last year. When we look at Exxon profits of $8.4 billion, and a $400 million retirement package for their former CEO, Lee Raymond, it is clear they could afford it. Enough is enough.

The President announced that he is halting deposits to the Strategic Petroleum Reserve, which is the reserve that we have in case of an emergency. It is very full. We have been telling the President for more than a year now to please stop taking gasoline off the market and putting it into the Strategic Petroleum Reserve. You are shorting the supply. He finally said he is going to stop filling it. However, he has not said he will release any from the Strategic Petroleum Reserve. This is the time to do it because that would have a downward pressure on gas prices.

We also need to take steps to reduce our demand for gasoline. Obviously, when a family buys a car, it is a huge purchase. I know families who are now considering buying a fuel-efficient automobile. My family did, even though it has been in the papers because some reporter didn't do his homework that I own a gas-guzzler; I do not.

My family owns three cars and they are all hybrids. I have been driving mine for almost 4 years. It is terrific. The men I know always ask: Does it have pickup? It has pickup, yes. It does very well. The newer version—I have the original version—the newer version now gets over 50 miles to the gallon.

I ask myself: Why doesn't the Federal Government buy these automobiles? My good staff who is here today checked it out and found out that every year the Federal Government purchases 58,000 passenger vehicles. According to the Department of Energy, the average fuel economy of the new vehicles purchased for the fleet in 2005 was 21.4 miles per gallon. So we can do better, that is for sure, with just the Federal fleet. It may not sound like a lot, but 58,000 cars that we say we are now going to make more fuel efficient will have a salutary impact on this marketplace. It is going to provide a bigger market for the fuel-efficient cars. I hope, in addition to this, we can have a program where we incentivize States, counties, and local governments to do the same.

I got the idea for this bill when I visited the San Francisco autoyard. We looked around and almost every car they have in there is either fuel efficient now or they are working to make it so. They have cars that run on alternative fuels. They are rehabbing their cars. All the good ideas started in our neighborhoods. That was an idea I took.

I mentioned before, my hybrid cars are getting over 50 miles to the gallon. We know, unfortunately, that the American car companies are not yet up to where they should be with their fuel efficiency. This is sad. I have sat down with them over the decades—because I lived through the 1970s when we had a fuel crisis—and they still refuse, saying Americans want big cars, too bad.

The fact is, at least our American companies are now building fuel-efficient SUVs. This is good. So when the Federal Government has to buy a hybrid car, they can buy a fuel-efficient hybrid car made in America that is an SUV. I hope we can lead by example.

I don't take what Mr. Bodman says as a fact, that there is nothing we can do, shrug our shoulders, and walk away. There is something we can do. We can be smart consumers regarding the Federal Government with the taxpayers' dollars. Taxpayer dollars should not be wasted on gasoline that goes straight into the pockets of the oil companies that, in my opinion, are manipulating supply. I will get to that in a minute.

We now have a tax credit for buying a hybrid vehicle; the dollar amount varies by vehicle. That is terrific. I propose we have an additional $1,000 tax credit for purchasing a vehicle that obtains a minimum of 45 miles per gallon. There are now cars that get 45 miles per gallon and there may soon be other cars that get 45 miles per gallon, so purchasers of those cars would have the $1,000 tax credit. If you have a hybrid that gets over 45 miles per gallon, if you bought a new one, you would get a $1,000 tax break plus the tax break for purchasing a hybrid. That is very important because it is true the hybrids are a little more costly than a similar nonhybrid car.

The President of the United States came forward and said: I am ordering an Federal Trade Commission investigation. I was very glad he did that. Unfortunately, for the eight times I have called for those investigations, I have never had his support. I have called for no less than eight investigations into gas price manipulation, but I was happy he called for—finally, better late than never—an investigation into manipulation among the oil companies and in each oil company. Unfortunately, 4 days later, he said: I have to say I haven't seen any evidence of any manipulation. That was Friday.

I am confused. He calls for an FTC investigation and then said: I don't see any evidence of it, but they are working on it. It seems to me that sends a bad signal to the FTC. Why not ask your Justice Department, your Energy Department to work with the FTC and scour every record you can to see if there is zone pricing, to see if they are cutting back on supply?

I lived through the Enron debacle. We all did. But when I say I lived through it, those on the west coast got it in the neck from Enron. What did the Enron traders do? They said: We are going to withhold supply. They took power offline, and they said to the public: All we are doing is regular maintenance of our powerplants. That was not true. They were closing down some of the power in order to manipulate supply.

Now we look at what is happening in the refinery business, and we see they are not building any new refineries because they are monopolies. They do not want to increase the supply. They like it the way it is.

How do I know this? It is pretty clear. California has changed its rules. We have a streamlined procedure now put into place by the Governor and the legislature. Please come in, please build refineries, please do them in an environmentally sound way. Nothing.

How do I know what is happening? This is it. Shell Oil announced that they were closing down a refinery in Bakersfield about a year ago or more. We were very upset, Senator FEINSTEIN and I, the congressional delegation, across party lines, the Governor, everyone asking: Why are you closing down a refinery that produces 2 percent of California's gasoline?

The answer came back in a letter to me: Senator, we are not making any money in this refinery. We are losing money. Senator, no one wants to buy it. We have put it up there for sale, and we are closing it down, period.

We did not believe it. We had learned the lesson of Enron, which is to reduce supply, so we dug around, and we went to the FTC, this Bush administration FTC. Do you know what they did for us, despite all their talk? Nothing. They did nothing. Zero.

So we went to the attorney general of the State of California, Bill Lockyer. He said: Let me see what is going on. Guess what he found out. The refinery that they said was making no money was making record profits. Yes, there were many people who were interested in purchasing it. Guess what. It has been sold, and it is still operational.

So when I asked the oil company executives from Shell about this at the Commerce Committee hearing, they did not tell the truth. They said: We are so delighted we sold this. They never told the truth.

MARIA CANTWELL and I tried to get them sworn in to take the oath, to swear to tell the truth, but Senator STEVENS said: Not on my watch; we are not swearing in these people. So they got away with lying to the committee.

When Senator CANTWELL starts to call for ways to probe this situation, the fact that we believe they are manipulating supply, we have a reason to believe they are doing it. They did it in Enron. We believe they are doing it again.

I have a bill that requires the FTC to automatically investigate manipulation in the market any time average gas prices increase in any State by 20 percent in a period of 3 months or less and remain there for 7 days or more. This calling for constant investigations does not get anywhere. But if we have a law that says the FTC must look at this, and if they do, and they issue a report, they must hold a public hearing to discuss it, and if their findings indicate there is market manipulation, the FTC works with the State's attorney general to determine the penalties. If there was no market manipulation, we should look at releasing some of the oil from the Strategic Petroleum Reserve, again, to put downward pressure on the price of gasoline.

Finally, another piece of legislation, and I would love to have it in the bill if I could, is to say that in the future if any oil company gives a salary, a bonus, a retirement package in excess of $50 million, they have to make a like contribution to the Low-Income Home Energy Assistance Program because we know that many people depend on that LIHEAP program. Even though LIHEAP deals with home heating and cooling costs, not with gas prices, that would be a fair thing to do.

I have spoken on a number of issues. I am pleased now to yield the floor.

EXECUTIVE SESSION

MICHAEL RYAN BARRETT TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Michael Ryan Barrett, of Ohio, to be United States District Judge for the Southern District of Ohio.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. LEAHY. Mr. President, I assume the opponents of these nominations would want to be recognized, or the Republican majority supporting him. I understand there are three Republicans to speak on the judges and one Democrat is allowed to speak.

No one is here, so I will speak.

I will support this nominee, Michael Barrett. He has the support of his home State Senators. I have also heard from both Democrats and Republicans in Ohio. That makes it worth supporting. In fact, the nomination of such consensus nominees is an indication of what should be done in States, and would lead to the confirmation of more judges. In January 2001, we were following a shutdown of judges going through. As the distinguished Presiding Officer knows, the Republicans were determined to block virtually all of President Clinton's judges for a long period of time. I became chairman and for 17 months moved a record number of judges for President Bush, 100. Actually, since 2001, while the Republican majority has not moved President Bush's judicial nominees anywhere near as fast as I did, we have still moved 238. That includes two Supreme Court Justices, and 43 circuit court judges. However, we do have some that create problems.

Unfortunately, as demonstrated by the recent withdrawals of several nominees, all too often this White House seems more interested in rewarding cronies and picking political fights than in selecting lifetime appointments after thorough vetting. Sadly, the Republican Senate has proceeded to rubber stamp these important nominations and failed in its role as a constitutional check on the President.

The controversial nominations of Judge Terrence Boyle and Brett Kavanaugh are contemporary cases in point. With the extreme right-wing and special interest groups agitating for a fight over judicial nominations, the Republican leader of the Senate is answering their demands by seeking to force Senate debate on these controversial nominees. Rather than focus on proposals to end the subsidies to big oil and rein in gas prices, rather than devote our time to immigration reform legislation, rather than completing a budget, the Republican leader came to the floor last week to signal a fight over controversial judicial nominations is in the offing. Such a controversial maneuver serves only to divide and distract us from America's real problems. During this President's administration, gas prices have more than doubled and undocumented immigrants have doubled, but judicial vacancies have been cut in half from the time when Republicans in the Senate were stalling President Clinton's judicial nominations. Despite the real problems that confront Americans with respect to security, health insurance, rising health costs, rising energy costs, and spiraling deficits and debt, some would rather pick an election year fight over judicial nominations.

In fact, I mentioned Judge Boyle. I contrast his nomination to the nomination of Michael Barrett. Michael Barrett, as I said, will go through easily. I will support him. I will vote for him, as I told the distinguished Senator, the former Lieutenant Governor of Ohio, now senior Member of the U.S. Senate, Mr. DEWINE.

But you take somebody like Judge Boyle. Here is somebody who has violated every judicial ethic you can think of. He ruled on multiple cases involving corporations in which he held investments. In at least one instance—this is chutzpah beyond all understanding—he was presiding over a case involving General Electric, and while doing that, he bought stock in General Electric; then, 2 months later, he ruled in favor of General Electric.

Now, in the first year of law school you might get an example like this because it is so clear-cut and easy to understand. This is amazing—amazing—not withstanding all the other conflicts of interest he had in other cases. Whether or not it turns out that Judge Boyle broke Federal law or canons of judicial ethics, these types of conflicts of interest have no place on the Federal bench.

This is not the first judicial nominee to engage in these kinds of apparent ethical lapses. Less than two months ago, the President withdrew the nomination of Judge James Payne to the Court of Appeals for the 10th Circuit after information became public about that nominee's rulings in a number of cases in which he appears to have had conflicts of interest. Those conflicts were pointed out not by the administration's screening process or by the ABA, but by journalists.

During the last few months, President Bush also withdrew the nominations of Judge Henry Saad to the Court of Appeals for the 6th Circuit and Judge Daniel P. Ryan to the Eastern District of Michigan. And we saw the arrest of another Bush administration official and former judicial nominee to the Court of Appeals for the 4th Circuit, Claude Allen, who had earlier withdrawn as a nominee and more recently resigned his position as a top domestic policy adviser to the President. When we are considering lifetime appointments of judicial officers who are entrusted with protecting the rights of Americans, it is important to be thorough. Unfortunately, all too often this White House seems more interested in rewarding cronies.

They add to the long list of nominations by this President that have been withdrawn. Among the more well known are Bernard Kerik to head the Department of Homeland Security and Harriet Miers to the Supreme Court. It was, as I recall, reporting in a national magazine that doomed the Kerik nomination. It was opposition within the President's own party that doomed the Miers nomination.

Over the weekend we heard that this administration's former FDA director is under investigation and its political director testified, again before a federal grand jury. Of course, Mr. Libby remains under indictment, and Messrs. Safavian, Scanlon, Abramoff and a number of House Republicans are caught up in another criminal probe.

In light of this long list of failures of the White House to fulfill its commitments to the American people to be above reproach and its lackluster vetting process, it is more important than ever that the Senate and the Senate Judiciary Committee afford nominees the kind of careful scrutiny that will yield enough information to decide on a nominee's fitness for an important appointment. In Judge Boyle's case, not only were his answers to the committee's questions evasive, but he failed to produce even the unpublished opinions he issued from the bench.

I am also concerned that the Senate Judiciary Committee is being required to consider the nomination of Brett Kavanaugh to the United States Court of Appeals for the DC Circuit without a complete record. The Democratic members of the committee have twice asked for another hearing in connection with his nomination. Mr. Kavanaugh failed to provide meaningful and substantive responses to many of the questions posed to him at his first hearing and he delayed for seven months before providing evasive and incomplete answers to written questions.

In addition, a new hearing is warranted because several troubling issues have come to light since his initial nomination. As Associate White House Counsel and staff secretary, Mr. Kavanaugh has served in the inner circle of the White House at a time when many controversial policies and decisions were being considered. Senators have not had a chance to question him about his role in connection with those matters. For example, what was Mr. Kavanaugh's role in connection with the warrantless spying on Americans? What was his involvement in the policies affecting detainee treatment and interrogation? What was his involvement in connection with military tribunals, torture, and rendition of prisoners to other countries? Given the scandals now plaguing the White House, it is important to know whether Mr. Kavanaugh has had a role in connection with the actions of Jack Abramoff, Michael Scanlon, David Safavian, the matters being investigated in connection with the Plame matter, and many other matters.

The wall of secrecy that the administration has maintained is no environment in which carefully to consider an administration insider for a lifetime appointment to an important Federal judicial position.

I see the distinguished Senator from Ohio is in the Chamber. I urge people,

do not just do a rubberstamp just because it is a member of your party who nominated these people. I think of the concern I heard from Republicans in this body when I objected to a judicial nominee to the Court of Appeals for the Fourth Circuit, Claude Allen. Nobody said a word when he got arrested for fraud. But I bet you they breathed a sigh of relief that I blocked it before.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, in just a few minutes we will be voting on the nomination of Michael Barrett to serve as a Federal district court judge for the Southern District of Ohio. Mr. Barrett is an outstanding attorney, a man who has shown his dedication to public and community service throughout his life. I am confident he will be an excellent addition to the bench.

Michael Barrett's legal career—spanning almost 30 years—has been distinguished, not only by his accomplishments as a litigator but also by his truly extraordinary record of public and civic leadership.

A brief summary of his background offers ample evidence of his qualifications. He is a graduate of the University of Cincinnati where he earned both his bachelor of arts degree as well as his law degree. After graduating from law school, Mr. Barrett served the State of Ohio as an administrative hearing officer for over a year, handling issues as a new attorney that usually are reserved for lawyers with far more experience. He then moved to the Hamilton County Prosecutor's Office, where he served first as an assistant prosecutor, and then as chief assistant prosecuting attorney of the Felony Trial Division.

During this time, Mr. Barrett also served as chief of the Special County Arson Task Force, supervising the investigation and prosecution of arson cases. After 6 years in the Hamilton County prosecutor's office, Michael Barrett moved into private practice with the firm of Graydon, Head & Ritchey, where he remained for 10 years as an associate and then as a partner. He was listed several times in the Best Lawyers in America for his domestic relations practice. He then joined the Cincinnati law firm of Barrett & Weber, where he continues to practice today in the area of general litigation.

Mr. Barrett has had an extremely wide-ranging career as a litigator. He has argued in both State and Federal courts, and his court appearances are almost evenly split between civil and criminal cases. In addition to his background as a prosecutor, he has developed a very successful defense practice. He is a member of the National Association of Criminal Defense Lawyers, and I think it is particularly noteworthy that he has argued capital murder cases as both a prosecutor and as a defense attorney. Truly, his litigation experience spans the whole width of legal practice.

Mr. Barrett's expertise, however, extends well beyond litigation. For example, he was appointed and served as a special master/trustee in a class action lawsuit in which he analyzed over 900 claims, responses, and the allocation of settlement funds under that lawsuit.

He also was chosen to be the receiver in a securities case, and in that role he worked with counsel to conduct the collection and liquidation of investor assets, which is an important and certainly often very complicated financial and legal task.

He also has an impressive amount of experience with the important and expanding area of alternative dispute resolution. He was a board member of the Cincinnati Center for the Resolution of Disputes and was awarded the Outstanding Service Award as a mediator for the Southern District of Ohio. This unusually diverse legal background gives Michael Barrett a broad view of the legal system and a wide understanding that will help him be a very successful Federal district court judge.

Mr. Barrett is also an extremely accomplished community leader who has given so much back to his community. He has served the public in a wide variety of roles—far more than I could certainly mention this afternoon. He served on the Supreme Court of Ohio Board of Commissioners on Grievances and Discipline for 15 years. He was on the board of trustees of the University of Cincinnati, and the board of trustees of the Health Alliance of Greater Cincinnati. He was also cochair of the Police and Justice Committee of Community Action Now, a project formed by and for Cincinnati community leaders and charged with the task of achieving greater equity, opportunity, and inclusion for all Cincinnati residents. He also has been involved with a wide range of charitable and social service organizations, including Children's Services of Hamilton County, Talbert House, and Boys and Girls Hope of Cincinnati.

Michael Barrett is clearly a successful and accomplished attorney and an experienced community leader. Both are important qualifications for this position. With his background and his experience, it is certainly not surprising that a substantial majority of the ABA panel who reviewed his qualifications found him to be ''well qualified,'' which is the highest possible rating; the remaining members of the panel gave him the next highest rating of ''qualified.'' This very high rating merely confirms his excellent credentials for the position.

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

Mr. DEWINE. Mr. President, I ask unanimous consent to speak for 2 additional minutes.

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

Mr. DEWINE. Members of the legal profession in Ohio who know Mr. Barrett's abilities also support his nomination. I have spoken with attorneys and judges who have worked both with and against Mr. Barrett professionally, and they describe him as a calm and even-tempered man, who is always willing to listen and always does an excellent job, no matter what the legal assignment.

Even more important, however, is simply that Mike Barrett is a good person. I have known him for many years, and he consistently has shown himself to be warm, open-minded, and gracious. He is an intellectually gifted lawyer with a strong sense of the law and a firm understanding of the court's role in the legal process and in our community. As a person and as an attorney, he has all the ability, the experience, and, yes, the compassion necessary to help him be an excellent judge for the people of the South District of Ohio.

Michael Barrett is an outstanding nominee. I am proud to support his nomination, and I urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SPECTER. Mr. President, I would like to say a few words in support of the nomination of Michael R. Barrett.

As the distinguished Senator from Ohio has probably already commented on—I just got in from Pennsylvania, so I did not get a chance to hear all of his speech—and as the Presiding Officer knows, because the distinguished Presiding Officer is a member of the Judiciary Committee, Michael R. Barrett was passed unanimously by the committee.

He comes to this position with an excellent background. He received his bachelor's degree from the University of Cincinnati. He received his law degree from the University of Cincinnati in 1977. So he has had 29 years of expedience in practice.

He was the assistant prosecuting attorney in the felony trial division in Hamilton County. It is always a good experience to be a prosecuting attorney, something that Senator DEWINE did, Senator LEAHY did, something that I have done. He was an associate partner at Graydon, Head & Ritchey, a shareholder attorney at Barrett & Weber, and has the qualifications to do an excellent job on the U.S. District Court.

I am pleased to endorse him and urge my fellow Senators to confirm him for this important lifetime position.

I thank the Chair and yield the floor and note we are just 2 or 3 minutes away from the vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. 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. VOINOVICH. Mr. President, I rise today to urge my colleagues to vote to confirm Michael R. Barrett, whom the President has nominated to serve on the U.S. District Court for the Southern District of Ohio.

Mr. Barrett has a distinguished and impressive record as a prosecutor, a defense attorney, and a community leader, and he has deep roots in southwest Ohio.

Mr. Barrett is a graduate of the University of Cincinnati, where he obtained his bachelor of arts in 1974, and his law degree in 1977. After graduating from law school, Mr. Barrett served as an administrative hearing officer for the State of Ohio and then joined the Hamilton County prosecutor's office as an assistant prosecuting attorney. When he joined the prosecutor's office, Mr. Barrett was assigned to the Felony Trial Division, where he participated in investigations, grand jury proceedings, and felony trials. In 1983, Mr. Barrett was promoted to be a chief assistant of the Felony Trial Division.

In 1984, Mr. Barrett joined Graydon, Head & Ritchey, where he worked on both criminal and civil matters, initially as an associate before being promoted to partner. In 1995, he joined his current firm, Barrett & Weber, where he has continued to practice in the same areas of law.

Mr. Barrett's law practice includes criminal defense work covering the spectrum of the Criminal Code. In addition, Mr. Barrett maintains an active civil litigation practice including recent securities law matters in which he has represented individual plaintiffs as well as the attorney general's office for the State of Ohio. His practice has earned him several listings in ''Best Lawyers in America'' and ''Ohio Super Lawyers.'' In addition, Mr. Barrett has received the Outstanding Service Award as a Mediator from the U.S. District Court for the Southern District of Ohio. In sum, Mr. Barrett has the broad courtroom experience that will serve him well as a federal judge.

Mr. Barrett has also served on the Supreme Court of Ohio's Board of Commissioners on Grievances and Discipline, which evidences the high esteem in which members of the Ohio bar hold him and is testimony of his excellent character.

As a result of Mr. Barrett's fine academic and professional achievements, I am not surprised that the American Bar Association found Mr. Barrett qualified to serve as a Federal district court judge.

Mr. Barrett's legal credentials are not the only reasons I support his nomination. In an age where I believe too many people do not take the time to become active members of their communities, Mr. Barrett has been a community leader. Some of Mr. Barrett's community activities include his current service on the board of trustees of Talbert House, a Cincinnati-area social service organization; his current service as a director of Boys Hope/Girls Hope of Cincinnati, an organization designed to provide an array of services for at-risk children; and his past service as a trustee of Children's Services of Hamilton County. When I was Governor of Ohio, I was pleased to appoint Mr. Barrett to the board of trustees of the University of Cincinnati. He served 9 years on the board of trustees, including a period as chairman.

Involvement in one's community is important. We need judges who not only have exceptional legal skills but who also recognize how the law impacts individuals and communities. I believe Mr. Barrett has this understanding because he is out in his community every day.

In reviewing Mr. Barrett's academic and professional record, it is clear that he is well qualified to serve as a Federal district court judge on the U.S. District Court for the Southern District of Ohio, and I urge my colleagues to support his nomination.

Mr. DEWINE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Michael Ryan Barrett, of Ohio, to be United States District Judge for the Southern District of Ohio? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. HARKIN), the Senator from Wisconsin (Mr. KOHL), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) are absent due to death in family.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) would each vote ''yea.''

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the chamber desiring to Vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 102 Ex.]

YEAS—90

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

NOT VOTING—10

Biden	Kerry	Santorum
Burr	Kohl	Sessions
Graham	Lincoln	
Harkin	Rockefeller	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

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

TRIBUTE TO PHIL WALDEN

Mr. CHAMBLISS. Mr. President, I rise today to talk about an individual who is a native of my State and probably is not well known to Members of this body. He was involved in an industry for which all of us have a great appreciation. The name of the gentleman is Phil Walden.

About 40-plus years ago, when I was at the University of Georgia, I had a college roommate who was responsible for booking bands for a number of fraternities, sororities, and whatnot at the University of Georgia. He came into contact with a man named Phil Walden. I got to know Phil through my roommate Mike Brody.

Phil Walden was an unusual individual. After graduating from Mercy University in 1962 in Macon, GA, he became a full-time professional promoter of bands. During his college days, he teamed up with an individual from Macon, GA, who became a superstar. That superstar's name was Otis Redding.

Phil Walden found Otis Redding at a nightclub in Macon, GA, and made him a rich and famous person in the music industry. Otis Redding was the heart and soul of soul music for a number of years. Unfortunately, Otis Redding

died in a plane crash in 1967, and a lot of Phil Walden's hopes and dreams died with him.

But Phil Walden didn't stop with just rhythm and blues bands. About the time that Otis Redding's plane went down, Phil Walden founded Capricorn Records and found another band in Macon, GA, called the Allman Brothers. He then promoted the Allman Brothers into superstar status, and the Allman Brothers became the heart and soul of southern rock and roll music.

Phil Walden hit hard times when heavy rock and roll hit hard times. Unfortunately, Duane Allman was killed in a motorcycle accident in 1971. Another star member of the band, Barry Oakley, was killed shortly thereafter. The Allman Brothers hit on hard times, and so did Phil Walden. He had problems with abuse and use of alcohol and drugs, like so many folks in the music industry.

Phil Walden hit a low point in his life, but Phil Walden rebounded from that, just like the music industry he knew and loved so well. He moved to Nashville and stayed for a time in Nashville.

While he was in Nashville, he discovered another band in Athens, GA, called Widespread Panic. They are a little beyond my generation, but my son has been to a number of Widespread Panic concerts around the Southeast, and I venture to say that the children of a lot of our Members likewise, if you mention Widespread Panic to them, their eyes light up.

Phil Walden was the kind of man who had the ability to bounce back, and he did so. He was an icon in his industry. He represented, I noticed in looking at the various obituaries, a number of folks, frankly, I did not know he represented in all the years I knew Phil. Here are several of the bands and acts Phil Walden either managed at Capricorn Records or promoted otherwise: I mentioned Otis Redding and the Allman Brothers, Percy Sledge, Boz Skaggs, the Charlie Daniels Band, the Marshall Tucker Band, Wet Willie, Kenny Chesney, 311, Cake, Lynyrd Skynyrd, Hank Williams, Jr., Billy Joe Shaver, and Stillwater.

Phil Walden hit on hard medical times also in recent years. Last Sunday, Phil lost his battle with cancer and, unfortunately, passed away. He had a burial last Thursday in Macon, GA, at Rose Hill Cemetery, where he was laid to rest in the same cemetery as Duane Allman and Barry Oakley.

Phil Walden was truly an unusual person in the music industry. In the 1960s, he took a Black man in Otis Redding, brought him to a White university, White universities all across the Southeast, without any major incidents whatsoever, and that was significantly unusual. As Peter Conlin, a promoter and longtime friend of Phil Walden, said:

If you look at a white guy from the south in the '60s trying to promote a black singer, that was a brave thing to do.

And it truly was. Phil Walden did it with class, he did it with style, and he did it with success. Phil Walden then took the Allman Brothers and did it with style, did it with class, did it with success. He was a true dream story, a true story of the American dream in the music industry. He is someone the music industry is going to miss.

Phil certainly lived an interesting life, and his wife Peggy, who stood by his side for so many years, deserves a lot of credit for the success Phil had, both in the music industry as well as in bringing his life back together. We are all going to miss Phil Walden.

I yield the floor, Mr. President.

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

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

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Continued

AMENDMENT NO. 3597

Mr. COCHRAN. Mr. President, there are several amendments that have been cleared on both sides of the aisle.

I call up amendment No. 3597 on behalf of Senator LUGAR and others regarding the State Department personnel in Iraq and Afghanistan.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LUGAR, for himself, Mr. WARNER, Mr. CHAFEE, and Mr. ALLEN, proposes an amendment numbered 3597.

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

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

The amendment is as follows:

(Purpose: To provide certain authorities necessary to carry out foreign policy objectives in Iraq and Afghanistan)

On page 90, between lines 10 and 11, insert the following:

SEC. 1202. DEPARTMENT OF STATE AND USAID AUTHORITIES.

(a) WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED FOREIGN SERVICE ANNUITANTS.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended to read as follows:

''(g)(1) The Secretary of State may waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis, or grant authority to the head of an Executive agency to waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis—

''(A) if, and for so long as, such waiver is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

''(B) if the annuitant is employed in a position for which there is exceptional difficulty in recruiting or retaining a qualified employee.

''(2) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to subparagraph (B) of paragraph (1), or to grant authority to the head of an Executive agency to waive the application of such subsections to an annuitant under subparagraphs (A) or (B) of such paragraph, shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

''(3) The Secretary should prescribe procedures for the exercise of any authority under paragraph (1), including criteria for any exercise of authority and procedures for a delegation of authority.''.

(b) WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED CIVIL SERVICE ANNUITANTS.—

(1) DEPARTMENT OF STATE.—Title I of the Department of State Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

''SEC. 61. REEMPLOYMENT OF ANNUITANTS UNDER THE CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary of State may waive the application of the provisions of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis for employment of an annuitant in a position in the Department of State for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

''(2) TERMINATION OF AUTHORITY.—The authority of the Secretary under paragraph (1) shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

''(b) PROCEDURES.—The Secretary should prescribe procedures for the exercise of any authority under subsection (a), including criteria for any exercise of authority and procedures for a delegation of authority.

''(c) ANNUITANTS NOT TREATED AS EMPLOYEES FOR PURPOSES OF RETIREMENT BENEFITS.—An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of title 5, United States Code.''.

(2) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended by adding at the end the following new subsection:

''(j)(1)(A) The Administrator of the United States Agency for International Development may waive the application of the provisions of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis for employment of an annuitant in a position in the United States Agency for International Development for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

''(B) The authority of the Administrator under subparagraph (A) shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

''(2) The Administrator should prescribe procedures for the exercise of any authority under this subsection, including criteria for any exercise of authority and procedures for a delegation of authority.

''(3) An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of title 5, United States Code.''.

(c) REPORT ON USE OF ANNUITY LIMITATION WAIVER AUTHORITY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Homeland Security and Government Affairs of the Senate and the Committee on International Relations and the Committee on Government Reform of the House of Representatives a report on the exercise of the waiver authorities provided under section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)), as amended by subsection (a), section 61 of the State Department Basic Authorities Act of 1956, as added by subsection (b)(1), and section 625(j) of the Foreign Assistance Act of 1961, as added by subsection (b)(2). The report shall include the number and type of positions that have been filled under such waiver authority, and the retirement date, former job title, and new job title of each annuitant reemployed under such authority.

(d) HOME LEAVE PROVISIONS.—

(1) TRAVEL EXPENSES FOR REST AND RECUPERATION TRAVEL.—Section 901(6) of the Foreign Service Act (22 U.S.C. 4081(6)) is amended by striking ''unbroken by home leave'' each place it appears.

(2) AUTHORITY TO REQUIRE LEAVES OF ABSENCE.—Section 903(a) of the Foreign Service Act (22 U.S.C. 4083) is amended by striking ''18 months'' and inserting ''12 months''.

(e) AUTHORITY TO PROVIDE ACCOMMODATION AND SUBSISTENCE TO INDIVIDUALS SERVING IN IRAQ AND AFGHANISTAN.—The Secretary of State may provide during any fiscal year, with or without reimbursement, accommodation and subsistence to personnel in Iraq and Afghanistan for whom the Chief of Mission is responsible.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3597.

The amendment (No. 3597) was agreed to.

AMENDMENT NO. 3661, AS MODIFIED

Mr. COCHRAN. Mr. President, I call up amendment No. 3661 on behalf of Senator LEAHY regarding notification requirements.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LEAHY, proposes an amendment numbered 3661.

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

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

The amendment is as follows:

(Purpose: To provide for notification to the Committees on Appropriations)

On page 121, line 5, after the colon, insert the following: *Provided further*, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations:

Mr. COCHRAN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To provide for notification to the Committees on Appropriations)

On page 121, line 5, after the colon, insert the following: *Provided further*, That funds made available under this heading in this Act shall be subject to the regular notification procedures of the Committees on Appropriations:

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 3663, AS MODIFIED

Mr. COCHRAN. Mr. President, I call up amendment No. 3663 on behalf of Senator LEAHY regarding a technical correction.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LEAHY, proposes an amendment numbered 3663.

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

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

The amendment is as follows:

(Purpose: Technical amendment)

On page 121, line 1, strike ''in Iran'' and insert in lieu thereof:

of which $34,750,000 shall be made available to promote democracy in Iran and of which $5,000,000 shall be made available for election assistance in the Democratic Republic of the Congo.

On page 121, line 2, after ''heading'' insert ''for assistance for Iran''

Mr. COCHRAN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: Technical amendment)

On page 120, line 25, strike ''for programs and activities promoting democracy in Iran'' and insert in lieu thereof:

of which $34,750,000 shall be made available for programs and activities promoting democracy in Iran and of which $5,000,000 shall be made available for election assistance in the Democratic Republic of the Congo

On page 121, line 4, strike ''and'' and insert in lieu thereof: , and those funds made available to promote democracy in Iran

The PRESIDING OFFICER. Is there further debate on the amendment, as modified?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 3663), as modified, was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. 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.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized to speak as if in morning business.

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

STRATEGY IN IRAQ

Mr. DURBIN. Mr. President, as we reflect on the Presidency of George W. Bush, there were moments of high drama. Certainly, the moment of highest drama in my recollection was when the President visited the site of the 9/11 attack. When he went to New York and walked through the smoke-filled rubble with the firefighters and the workmen still digging through, it was a moment that I am sure will endure. It will be remembered.

If you had to then select another moment in his Presidency that will be remembered, it was a moment 3 years ago today when the President of the United States boarded a Naval fighter plane and flew to land on the deck of USS *Abraham Lincoln*.

It was a time when America wasn't certain about what had happened in Iraq. We had launched an invasion. Saddam Hussein had been deposed. There were still a lot of questions about the future of Iraq and what would happen in that country.

The President of the United States came to that aircraft carrier on that day, and as he landed and spoke to those who were assembled, behind him was a banner which read ''Mission Accomplished.'' It was on May 1, 2003, 3 years ago. The President said on that day:

In the battle of Iraq, the United States and our allies have prevailed. And now our coalition is engaged in securing and restructuring that country.

The President went on to say:

We have difficult work to do in Iraq. We're bringing order to parts of that country that remain dangerous. We're pursuing and finding leaders of the old regime, who will be held to account for their crimes. We've begun the search for hidden chemical and biological weapons and already know of hundreds of sites that will be investigated. We're helping to build Iraq, where the dictator built palaces for himself instead of hospitals and schools. And we will stand with the new leaders of Iraq as they establish a government of, by, and for the Iraqi people.

The President went on to say 3 years ago:

From Pakistan to the Philippines to the Horn of Africa, we are hunting down al-Qaida killers. Nineteen months ago, I pledged that the terrorists would not escape the patient justice of the United States. And as of tonight, nearly one-half of al-Qaida's senior operatives have been captured or killed.

That was the speech of the President of the United States 3 years ago today.

Since the President made that speech, this is the grim record. Since that day, over the last 3 years, 2,262 Americans have been killed and 17,202 Americans have been wounded.

This occurred after the President announced to the world that our mission was accomplished.

As we gather today to mark the third anniversary of that Presidential statement, war continues with no end in sight, and 2,401 of our best and bravest soldiers have given their lives. I have called many of those families from Illinois. I have attended some of the funerals. I know the lives of those families will never be the same. They have given so much to this country. We thank them. We will continue to thank them over and over again. We thank the men and women in uniform for continuing to stand and fight to defend this country and its values. They represent the very best. We should never forget that.

But we now know that within their ranks—even at the highest levels—there have been serious concerns about this administration and its strategy in Iraq.

Three years after President Bush's statement on that carrier that our mission was accomplished, several leading generals, men who served under the President at that time, men under his command, men who were responsible for the lives of thousands of soldiers and marines, now retired, in civilian status, have stepped forward. What have they said?

Retired LTG Gregory Newbold, the three-star Marine Corps general who served as the Nation's top operations officer before the invasion of Iraq, recently joined a number of his former colleagues and said:

I am driven to action now by the missteps and misjudgments of the White House and the Pentagon, and by my many painful visits to our military hospitals. In those places, I have been both inspired and shaken by the broken bodies but unbroken spirits of soldiers, Marines and corpsmen returning from this war. The cost of flawed leadership continues to be paid in blood. The willingness of our forces to shoulder such a load should make it a sacred obligation for civilian and military leaders to get our defense policy right. They must be absolutely sure that the commitment is for a cause as honorable as the sacrifice.

General Newbold continued:

My sincere view is that the commitment of our forces to this fight was done with the casualness and a swagger that are the special province of those who have never had to execute these missions—or bury the results.

Finally, the general said:

We need fresh ideas and fresh faces. That means, as a first step, replacing Rumsfeld and many others unwilling to fundamentally change their approach. The troops in the Middle East have performed their duty. Now we need people in Washington who can construct a unified strategy worthy of them. It is time to send a signal to our Nation, our forces and the world that we are uncompromising on our security but are prepared to rethink how we achieve it.

General Newbold is joined in this call for change by GEN Anthony Zinni; MG Paul D. Eaton; MG John Batiste; MG Charles Swannack, Jr.; and MG John Riggs, all retired.

If you look at the résumés of these men, you will find the very best in service to our country. General Eaton, who headed up training for the Iraqi military from 2003 to 2004—what did he say? I quote him:

Defense Secretary Donald Rumsfeld is not competent to lead America's Armed Forces.

General Swannack, former commander of the 82nd Airborne Division, one of the most storied and honored divisions in American military history—here is what he said:

I do not believe Secretary Rumsfeld is the right person to fight that war based on his absolute failures in managing the war against Saddam in Iraq.

These generals are calling for change at the highest level. How many times during the course of this war when the President was questioned about his military strategy did he say: I defer to the generals; I defer to the military professionals. This will not be a political decision.

That is the right response. But what would he now say when these six men, many of whom served under his command, have stepped forward and said that the plan for this war is so wrong and that the man executing that plan as Secretary of Defense is not the right person for that job?

I have said publicly, and I will repeat it. I believe Secretary Rumsfeld, for the good of this Nation, should leave as Secretary of Defense. I believe this for the same reason these generals do. I do not believe he can lead us to the right conclusion in Iraq, and we will pay a heavy price if we do not acknowledge that.

As General Zinni has said, staying the course in Iraq sends us right over Niagara Falls. We have to change the course. We have to understand why change is imperative. It is worth taking a few minutes to understand how we have reached this point some 3 years after President Bush told the world our mission was accomplished.

Recently, Secretary of State Rice stated the United States has made thousands of ''tactical errors.'' Secretary Rumsfeld challenged her, and said: ''I don't know what she is talking about.''

She was right. The administration has made numerous and tragically costly mistakes in Iraq. Think about it. The decision to invade without allies—with only the United Kingdom as a major force by our side, and many other countries sending smaller forces, we went in virtually alone. It was a strategic misjudgement that has left us today carrying the military and financial burdens in Iraq.

Before us on the floor of the Senate is another spending bill for Iraq—this one over $100 billion. The total no one can guess, but $320 billion so far, more than $2 billion a week.

My situation is like some in the Senate. I voted against the use-of-force resolution for the war in Iraq—23 of us did, 1 Republican and 22 Democrats on that October night in 2002. But I said from my memory of what happened in Vietnam, as I tried my best to appreciate what our soldiers faced, that I would vote for every penny that this President asked for to wage this war so that the soldiers would always have what they needed to win and come home safely. And I have done that. I will continue to do that.

When my critics ask: How can you be against the war and vote to fund it? The question comes down to something very basic from where I am standing. If it were my son or daughter serving in uniform in that country, I would want them to have everything to come home safely, even if I bitterly disagreed with the administration's policy that sent them into this war.

We have 132,000 soldiers in Iraq today. Our combined allies have 24,000, some of whom are in Kuwait. Mr. President, 2,401 Americans have died. That is more than 10 times the losses that have been suffered by the rest of the so-called Coalition of the Willing.

This record-setting supplemental bill that we take up this week in the Senate will bring the cost of U.S. operations in Iraq to $280 billion. For now, as I have said: I am going to vote for it. But before this Congress continues to fund, we have to ask hard questions.

If this is going to be a routine vote for the so-called emergency supplemental bill, if this is going to be routine to the point where we don't even question the policies and strategies of the war that we are voting for, then we have failed in our responsibilities as Senators.

On February 25, 2003, the Army Chief of Staff, GEN Eric Shinseki, testified before the Senate Armed Services Committee.

General Shinseki stated, in an invasion of Iraq, that ''any postwar occupying force would have to be big enough to maintain safety in a country with ethnic tensions that could lead to other problems.''

General Shinseki was asked how many troops are needed, and he said:

Something on the order of several hundred thousand soldiers.

He also said:

Assistance from friend and allies would be helpful.

General Shinseki did not get the 300,000 or 400,000 troops that he and many others thought would be needed nor did we get the allies. General Shinseki, for his candor and honesty, was replaced in his command. This administration was not about to stand

still for someone in uniform telling them the stark, honest truth, that without enough soldiers the ones we sent would be in danger.

And just as Economic Adviser Larry Lindsay was fired for predicting the war would cost $100 to $200 billion at a time the administration said it might not cost anything because Iraqi oil would pay for it. That was Mr. Wolfowitz who made that statement. The fact is, they were right, the critics were wrong, and we have suffered as a result.

There was a failure by the leaders in our Government to see this insurgency that came about in Iraq, that endangered our soldiers and destabilized that country for so long.

When Secretary Rumsfeld was asked about the reaction of the insurgents and the uncertainty on the ground, he said:

> Freedom's untidy.

In fact, the looting was the start of the postinvasion violence that has claimed 94 percent of the American lives lost in Iraq.

Secretary Rumsfeld also signed off on another critical strategic misjudgment. The decision after the invasion to immediately disband the Iraqi Army made it easier for the insurgency.

We remember what happened when the Secretary went to Iraq in a surprise visit. Soldiers greeted him. He took questions. The Tennessee guardsman asked: Mr. Secretary, why do I have to dig through the dump to find pieces of metal to put in my humvee to protect me and my fellow soldiers? Why don't we have modern equipment to protect us on the ground? The Secretary was at a loss for words. He was embarrassed. America should have been embarrassed to send our soldiers into battle without the equipment they needed.

Since the beginning of the war, a troubling pattern has emerged. Under Mr. Rumsfeld's leadership, the Pentagon has been very slow to respond to the needs of our troops in the field.

In December 2003, LTG Ricardo Sanchez identified critical shortages and protective equipment for our troops and lack of spare parts for combat equipment, providing proof our soldiers were not adequately supplied.

By mid-2004, a furor broke out when reports reached Washington, DC, that many humvee vehicles in Iraq did not have armor, and American soldiers and Marines using them were being maimed and killed by IEDs as a result.

Congress flooded Defense budgets with funding for vehicle armor to replace or improve inadequately protected vehicles. Even after news coverage of this lack of planning forced Secretary Rumsfeld to accelerate production of the armor, the Pentagon missed at least three self-imposed deadlines to fully field armor all of our troops—this after the President told us our mission had been accomplished.

A defining moment for Secretary Rumsfeld was when that Tennessee guardsman challenged him. Here is what the guardsman asked:

> Why do we soldiers have to dig through local landfills for pieces of scrap metal and compromised ballistic glass to uparmor our vehicles?

Secretary Rumsfeld replied, in part:

> You have to go to war with the Army you have, not the Army you want.

That is our Secretary of Defense, speaking of the Army he had, not the Army he wanted.

Let me remind everyone the decision to invade was the decision of the United States of America. We picked the date. We picked the time. We established when readiness would be adequate. And sadly, it was not.

That conversation with the guardsman from Tennessee revealed another destructive tendency. Secretary Rumsfeld has seemingly forgotten about the tremendous role our Guard and Reserve have played in this war and must be prepared to play at home. The condition of the gear and equipment from our Guard and Reserve continues to rapidly deteriorate.

Last week, I went to the Illinois National Guard Camp Lincoln in Springfield, meeting with the officers and asking them about equipment. Eighty percent of their men and women and units have been activated in Iraq. They have left behind wornout, damaged, and destroyed equipment, obviously, came back empty-handed, and now do not have the fundamental equipment they need to train the guardsman to be able to respond to domestic emergencies in my home State of Illinois. Our situation is not unique. Across the United States, Guard and Reserve have only 34 percent of the equipment they need in the United States.

The true cost of this war is not just in the lives and the injuries and the budgets but the fact that we have left our military, our Guard and Reserve, ill equipped, unprepared, for the next challenge. That is a sad condemnation of an administration that did not think through this commitment, that did not understand that mission would not truly be accomplished for years and years after the President made that claim.

As a result of ''going to war with the Army you have,'' and inadequate logistical plans, our Army and Marine units on the ground in Iraq are continuing to struggle with repairing, rebuilding, and replacing equipment used by up to 3 years of sustained effort.

In testimony before Congress last year, U.S. Army GEN Richard Cody, the vice chief of staff of the Army, stated:

> We are equip-stretched, let there no doubt about it . . . this Army started this war not fully equipped.

What excuse is there for that, that we sent our Army, our Marines, all of the men and women in uniform, over to this war without the proper equipment?

The failures on the part of the Secretary of Defense to bring a large enough occupation force to ensure the force was properly equipped or to plan for the emergency of full-scale insurgency against United States represents strategic errors of great significance. The strategic blindness continues today.

As I said, at least Secretary Rice acknowledges errors were made. When asked about her statement, Secretary Rumsfeld said:

> I don't know what she was talking about, to be perfectly honest.

After 3 years of war, Secretary Rumsfeld does not know what the Secretary of State is talking about when she says that thousands of mistakes were made.

We need someone who can recognize the reality before him and acknowledge that we need to change course in Iraq.

Last fall, the Senate, by a vote of 79 to 19, declared calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of U.S. forces.

What does that mean? It is time for the Iraqis to stand and govern their own nation. It is time for the Iraqi people to stand and defend their own nation. How many years have we been promised that Iraqi soldiers and police were this close to replacing American soldiers? You have a right to be skeptical because we have yet to see the first American soldier replaced by an Iraqi soldier taking their place, standing guard for their own country.

Secretary Rumsfeld has not been able to create the conditions that will allow for the withdrawal of troops from Iraq. We are a long way from accomplishing our mission.

Early this month, Congress received the first report from the Bush administration required by the year of transition amendment. The administration report offers the same ideological blind spots that led to the ''mission accomplished'' claim in 2003. It shows the same lack of vision that failed to predict insurgency. There are no mentions of militia. There is no analysis of the dangers of civil war. They still see only what they want to see.

I believe Secretary Rumsfeld should resign. But I in no way hold him solely responsible for the decisions on Iraq. After all, he works for the Commander in Chief, the President of the United States.

In order to find our way out of this disastrous mess this administration has made in Iraq, the President clearly needs new leadership in Defense. And that is not just my opinion. It is the opinion of these retired generals—men who have given their lives to this country, men whose hearts were broken as they watched their soldiers and marines killed in battle, men who visited these veterans in the hospitals, men who reflected on where we are today

and how we reached it and came to the same conclusion.

We need a new direction. We need new leadership. We need to have someone in the Department of Defense and a strategy that will lead to our troops coming home, the sooner the better.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DARFUR

Mr. FRIST. Mr. President, we will be closing in a few moments. But before doing that, I want to comment on events carried out in Washington yesterday, indeed around the country yesterday, in response to a crisis that is going on, a crisis that is more than a crisis. It is genocide going on in the Darfur region. It is the western region of the Sudan.

Yesterday, roughly 10,000 people gathered in front of the Capitol, on the Mall, to bring attention to what is happening: that crisis, that genocidal campaign that is underway and being perpetrated against the people of Darfur.

I applaud all of the participants' compassion and commitment to the cause which has been discussed again and again on the floor of the Senate but, indeed, is a devastating crisis that is destroying a population and, indeed, is genocide.

This is an issue that is very close to my own heart, in part because I travel just about every year to do medical mission work in that part of the world, in the Sudan. Indeed, I was in the Darfur area and in Chad a little over a year ago on the ground.

I mention it because this afternoon, several hours ago, I had the wonderful opportunity of meeting with a small group of refugees from the Darfur region. The meeting was organized by SaveDarfur.org. It gave me the opportunity to visit firsthand with individuals from several of the tribes that occupy the Darfur region.

It is interesting, there are 10, 11, 12 tribes throughout Sudan. In the south, two or three tribes dominate. In different parts of the Sudan, tribes dominate. But it is interesting, over in the Darfur region, the number of tribes that intersect together. It is sort of midway—north-south—in Sudan, so you have a lot of the tribes that are more endemic to the northern part of Sudan, as well as the southern and eastern part of Sudan. All of them commingle in that region.

We met, oh, about 50 yards from here on a balcony overlooking the Mall. And as you stood on the balcony there, on a beautiful day in Washington, looking out, you could not help but think of the contrast between what is going on in the homeland of those refugees to the United States from Darfur and that beautiful day looking out upon our monuments and the freedom and liberty for which they stand. That contrast between the turmoil that is going on, as we speak, in Sudan and America's homeland peace and prosperity were really felt.

I have had the opportunity to go to Sudan a number of times. I have talked to the refugees in the border camps. They are along the western border of Sudan and in the country of Chad, which is to the west of the Sudan. There are 12 refugee camps. The refugee camps have anywhere from 8,000 to 20,000 people who are living on a sustenance level, with the aid of NGOs and peoples around the world, in little tents, makeshift tents, but living there, in essence, permanently.

There are about 2 million people who have been displaced in the Darfur region and about 200,000 people who have died as a result of brutality which leads back to government sponsorship.

We have heard again and again the stories and seen pictures of the villages that are set afire, of the women who are raped, the children who are abducted, recruited to armies, and even many executed.

The Government of Sudan has failed to take credible steps to date, and we need to use everything within our power and our standing in the international community to convince other people to act and to act now. We cannot—cannot—tolerate this genocide.

On this floor we have called it for what it is: genocide. President Bush has called it genocide. Former Secretary of State Colin Powell has called it genocide.

Last month, before we left for the Easter/Passover recess, I met with a number of friends from Sudan, many of whom I had gotten to know when I was last in Sudan, in the southern part of the Sudan. They had been sponsored by a charity out of Knoxville, TN.

We talked about the clinics and the hospitals in southern Sudan. And we discussed the pressure the American Government has been able to bring to date on behalf of the Darfur people. But there is a lot more we can do. And there is a lot more we should do.

Because these individuals were from the southern part of Sudan—that is a thousand miles away, a long way away from the Darfur region—they reflected how our Government getting involved in the southern part of Sudan had brought more peace, and it stopped the civil war that had gone on there for the last 20 years.

One of those visitors, Reverend Kayanga, is a friend, actually, somebody whom I have gotten to know. He said it best when he said, ''The only people that visited us were your people.'' He was saying that to me, again, reaching out: Thank you for the past. But you need to get even more involved as we address this devastating crisis in the Darfur part of Sudan.

The conflict in the region is huge. First of all, Sudan itself, the country, is about a third of the size of the continental United States. The Darfur region is vast. The area of conflict is probably a third bigger than all of Iraq. So it is a huge area, which is one of the challenges. Things are getting worse, not better, which is the message they were giving me. Indeed, as I talked to people on the ground, in terms of NGOs, the NGOs are having a harder time. The rainy season comes in 4 weeks. Once that comes in, there is no way to get aid and have it distributed throughout the Darfur region.

As yesterday's rally demonstrated, the American people have vast stores of compassion and caring for these people and for the suffering of others. We have a passionate commitment to human rights. Now is the time for us to reflect it. At our Government's request, the African Union has agreed to extend the ongoing peace talks until midnight on Tuesday. Indeed, Deputy Secretary of State Robert Zoellick will leave today for Abuja, Nigeria, to help both parties resolve the crisis. Negotiations have gone on for 2 years, and a settlement is long past due. Those who are responsible for this genocide, for the war crimes against humanity and criminal acts, need to be brought to justice. No longer can we wait this tragedy out. We must act, and the international community must be encouraged to step up as well. Hundreds of thousands of lives are at stake.

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

Mr. FRIST. I am happy to.

Mr. REID. Just out of curiosity, I know on some of your trips you have taken to care for the poor in these countries, you have done a lot of surgery and other things. Have you done any in this area?

Mr. FRIST. In the Darfur region I have not. But it is very similar to southern Sudan. It is fascinating, southern Sudan, where 2 million people have been displaced, and 5 million people have been killed in a civil war there, and it started there. That is why I have great hope. A lot of people just give up on these regions, because when we went there initially, it was almost exactly the same. There was a lot of fighting within 10 or 15 kilometers.

I started operating in a little schoolhouse that had been diverted for about 8 years. That was 1997–1998. Now in 2006, there is a village there and commerce and a hospital, no fighting; 50,000 people go through what was a schoolhouse and is now a big hospital.

When people give up in Africa or say we have been through this before and talk about corruption in government, we can't give up. We should not give up.

I very much appreciate my distinguished colleague asking because there is a lot we can do. And it starts with the compassion and caring that the American people exemplify. Now is the time for us to act.

HONORING OUR ARMED FORCES

SERGEANT DANIEL L. SESKER

Mr. GRASSLEY. Mr. President, I am here today to speak about a brave and heroic American who gave the ultimate sacrifice in the name of freedom. SGT Daniel L. Sesker died on April 6, 2006 near Bayji, Iraq in support of Operation Iraqi Freedom. Sergeant Sesker was assigned to C Troop, 1st Squadron, 113th Calvary Regiment, 34th Infantry Division, Army National Guard based out of Le Mars, IA. I extend my deepest sympathies to his mother and stepfather, Mysty and Marvin Stumbo, his father, Dennis Sesker, his brother and sister, and his fiancee Angie.

Daniel Sesker was born in Boone, IA, and graduated from Ogden High School in 2001, where he participated in wrestling. He studied criminal law at Iowa Central Community College before enlisting in the Army National Guard. He served as part of Kosovo Force in Operation Joint Garden and had served a previous tour in Iraq. Between his two tours, Daniel worked as a counselor at the Woodward Academy and as a part-time police officer in Gowrie, IA. Sergeant Sesker received several decorations for his exemplary service, including the Bronze Star, Purple Heart, Army Commendation Medal, National Defense Medal, Iraq Campaign Medal, and Combat Action Badge.

Sergeant Sesker is remembered as having a great sense of humor. His love for his family and friends as well as his love for life will be missed by all who knew him. He was the kind of person who could light up a room with his personality and positive attitude. My thoughts and prayers are with his family and friends. We all owe Sergeant Sesker our eternal gratitude for his service and sacrifice.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

Ms. CANTWELL. Mr. President, in May, we commemorate Asian Pacific American Heritage Month, honoring the history, culture and traditions of Asians and Pacific Americans and recognizing their unique contributions to the United States.

First proposed as a 1-week event in 1977, the celebration was expanded to a full month in 1990. May was chosen because of its unique significance in the history of Asian Americans. May 7, 1843, marked the first recorded immigration of Japanese to the United States. May 10, 1869, marked the completion of the transcontinental railroad—a feat that would not have happened when it did without the labor of Chinese immigrants.

The Asian and Pacific American population has a rich history in this country, especially in the Pacific Northwest. In my State, records show the arrival of Asian immigrants as early as the 1860s, while some scholars even speculate that centuries before, Chinese explorers sailed down the Alaskan coast to what is now Washington State. Today, there are over 14 million Asians and Pacific Americans living in the United States, representing 5 percent of the population. In Washington, they make up 7 percent of the citizenry.

Over the past century and a half, Asian and Pacific American communities have contributed significantly to the cultural vibrancy of Washington State. Individuals within Washington's Asian and Pacific American communities have also worked to stand up for justice and make our country a better place. In 1944, Gordon Hirabayashi, a Japanese American student at the University of Washington in Seattle, took a stand against the unfair treatment of Japanese Americans during World War II when he refused to obey discriminatory curfew orders. In taking his case to the U.S. Supreme Court, he left a lasting reminder of the importance of standing up for civil rights.

Last month, Washington State celebrated the retirement of one of its most influential Asian American leaders. Bob Santos, affectionately known to many as ''Uncle Bob,'' has for many years, tirelessly dedicated himself to social justice for all. As a founder and executive director of Inter*Im Community Development Association, Bob helped revitalize the International District of Seattle, build the local economy, and secure affordable housing for many of our most vulnerable residents. Under President Clinton, Uncle Bob served nobly and boldly as the Regional Director for the U.S. Department of Housing and Urban Development. His selflessness, passion and dedication embody the giving spirit that makes our Asian Pacific American community so strong.

America is a land of immigrants, and our history demonstrates that we are stronger because of our diversity. Over the past century and a half, Asian and Pacific American communities have contributed significantly to the cultural vibrancy of Washington State. However, we can only live up to the promise of our diversity if we recognize the mistakes of our past and give all groups a voice in public discourse. During World War II, 227 Japanese Americans from Bainbridge Island became the first of more than 120,000 people to be placed in internment camps. They departed from Bainbridge Island's Eagledale Ferry Dock which, just last month, became the site of a moving tribute to all affected by this dark period. The name of this memorial is Nidoto Nai Yoni, meaning ''let it not happen again.''

During this year's Asian Pacific American Heritage month, we celebrate a history rich with culture and tradition. In our Asian and Pacific American communities, we must preserve the lessons of the past and recognize the great promise of the future.

HURRICANE RITA

Mr. CORNYN. Mr. President, on April 27, 2006, I spoke on the Senate floor regarding the needs of Texans and evacuees living in Texas following Hurricanes Katrina and Rita. I used a number of visual aids to show the impact of these storms on the State of Texas. I would like to note in the RECORD that The Beaumont Enterprise and Harris County Judge Robert Eckels provided these images to illustrate the current state of Texas.

CELEBRATING THE 25TH ANNIVERSARY OF THE CAPITOL CHALLENGE

Mr. LUGAR. Mr. President, as we celebrate the 25th anniversary of the annual 3-mile Capitol Challenge race, we reflect upon the history of this event and how it has brought together members of the legislative, executive, and judicial branches of the Federal Government with members of the print and electronic media through exercise and fellowship.

Since the first race in 1981, which was held in East Potomac Park, annual proceeds and registration fees have benefited the Special Olympics.

During the ensuing years, the race has evolved to a new location and expanded to accommodate and increasing number of participants. In 2002, the race moved from the fall to the spring while also moving from East Potomac Park to Anacostia Park.

Current races bring out more than 650–700 participants each year, including 30–35 Members of Congress.

It has been estimated that, since the first race in 1981, over 15,000 runners have competed, and of those 15,000 runners, nearly 800 Members of Congress have participated.

Furthermore, each year a celebrity runner has joined the race which brings enthusiasm to the morning's event while running and helping to present the following awards.

1st Place Overall
1st Senator
1st Representative
1st Cabinet Department or Independent Agency Head
1st Sub-Cabinet
1st Judge
1st Print Journalist
1st Electronic Journalist
Top Three Captains (or equivalent) *Age 60–69
Top Three Captains (or equivalent) *Age 70 and over
Male and Female Divisions for Above Awards
Top Two Senate Teams
Top Two House Teams
Top Two Judicial Teams
Top Two Executive Teams
Top Two Print Teams
Top Two Print Media Teams
Top Two Electronic Media Teams

To commemorate the 25th running of the Capitol Challenge race I am including for the RECORD the dates of each of the previous races.

Nike Capital Challenge—September 10, 1981
Nike Capital Challenge—September 9, 1982
Nike Capital Challenge—September 15, 1983
Nike Capital Challenge—September 13, 1984
Nike Capital Challenge—September 12, 1985
Nike Capital Challenge—September 11, 1986
Nike Capital Challenge—September 15, 1987
Nike Capital Challenge—September 15, 1988
Nike Capital Challenge—September 14, 1989
Nike Capital Challenge—September 13, 1990
Nike Capital Challenge—September 12, 1991
Nike Capital Challenge—September 17, 1992
Nike Capital Challenge—September 15, 1993
Nike Capital Challenge—September 21, 1994
Nike Capital Challenge—September 20, 1995
Nike Capital Challenge—September 18, 1996
SGMA Capital Challenge—September 17, 1997
SGMA Capital Challenge—September 16, 1998
SGMA Capital Challenge—September 15, 1999
SGMA Capital Challenge—September 13, 2000
SGMA Capital Challenge—May 1, 2002
SGMA Capital Challenge—May 7, 2003
ACLI Capital Challenge—May 5, 2004
ACLI Capital Challenge—May 11, 2005
ACLI Capital Challenge—May 3, 2006

Additionally, I would like to give special thanks to Mr. Jeff Darman for his important public service as race director of the Capital Challenge and for his vision in founding the race. Jeff has served as the race director for every race and he provides tireless leadership in its organization by obtaining needed permits and resources for its resounding success.

I hope that you will join me in wishing competitors safety and success as they compete this year and for the continuing success for many years to come.

ADDITIONAL STATEMENT

TRIBUTE TO BERRIEN COUNTY, GA

• Mr. ISAKSON. Mr. President, I rise today to honor in the RECORD the 150th Anniversary of Berrien County, GA.

Berrien County was created in 1856 from Coffee, Irwin and Lowndes counties. It was named for a great Georgian, John McPherson Berrien, a U.S. Senator who also served as President Andrew Jackson's Attorney General. From the area labeled on early Georgia maps simply as ''Pine Barrens,'' because of its vast acreage of pine trees, Berrien County has become one of the top agriculture-producing counties in Georgia and the Southeast. Known as the ''Bell Pepper Capital of the World,'' Berrien County farmers also have made significant contributions in the production of cotton, corn, peanuts, livestock, and especially tobacco.

During the summer when the tobacco markets opened, hundreds of families would come to the county seat of Nashville to market their crop and, in turn, purchase much needed items from area businesses with the money earned from that year's crop. Nashville has two historic buildings on the National Register of Historic Places—the old jail and the Berrien County Courthouse.

In addition to Nashville, Berrien County includes the great towns of Alapaha, Ray City, and Enigma.

It gives me a great deal of pleasure, and it is a privilege to recognize on the floor of the U.S. Senate, the contributions of Berrien County to the State of Georgia. I congratulate this great county on its 150th anniversary. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 349. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 357. Concurrent resolution supporting the goals and ideals of National Cystic Fibrosis Awareness Month.

H. Con. Res. 383. Concurrent resolution supporting the goals and ideals of the National Arbor Day Foundation and National Arbor Day.

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 357. Concurrent resolution supporting the goals and ideals of National Cystic Fibrosis Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 383. Concurrent resolution supporting the goals and ideals of the National Arbor Day Foundation and National Arbor Day; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5020. An act to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6522. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''Annual Energy Outlook 2006''; to the Committee on Energy and Natural Resources.

EC–6523. A communication from the Inspector General, Department of Interior, transmitting, pursuant to law, the Department's Office of Inspector General Fiscal Year 2005 FAIR Act Inventory; to the Committee on Energy and Natural Resources.

EC–6524. A communication from the Director, Office of Electricity Delivery and Energy Reliability, Department of Energy, transmitting, pursuant to law, a report relative to the Navajo Electrification Demonstration Program; to the Committee on Energy and Natural Resources.

EC–6525. A communication from the Acting Director, Security, Safety, and Law Enforcement, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies'' (RIN1006–AA45) received on April 25, 2006; to the Committee on Energy and Natural Resources.

EC–6526. A communication from the Director, Contracts and Acquisitions Management, Department of Education, transmitting, pursuant to law, the Department's 2005 Commercial and Inherently Governmental Activities Inventory; to the Committee on Health, Education, Labor, and Pensions.

EC–6527. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling; Health Claims; Dietary Noncariogenic Carbohydrate Sweeteners and Dental Caries'' (Docket No. 2004P–0294) received on April 12, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6528. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Class Exemption for Services Provided in Connection with the Termination of Abandoned Individual Account Plans'' (RIN1210–ZA05) received on April 25, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6529. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Termination of Abandoned Individual Account Plans'' (RIN1210–AA97) received on April 25, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6530. A communication from the Associate Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on April 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6531. A communication from the Acting Inspector General, Department of Defense, transmitting, pursuant to law, the Department of Defense Office of Inspector General inventory of commercial and inherently government activities for fiscal year 2005; to the Committee on Armed Services.

EC–6532. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative to amounts of staff-years of technical effort to be allocated for each defense Federally Funded Research and Development Center (FFRDC) during Fiscal Year 2007; to the Committee on Armed Services.

EC–6533. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), Department of Defense, transmitting, pursuant to law, the report of the Department's purchases from foreign entities in Fiscal Year 2005; to the Committee on Armed Services.

EC–6534. A communication from the Chief, U.S. Army Freedom of Information Act and Privacy Office, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''The Freedom of Information Act Program'' (RIN0702–AA45) received on April 25, 2006; to the Committee on Armed Services.

EC–6535. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of the Army, case number 05–06; to the Committee on Appropriations.

EC–6536. A communication from the Acting Administrator, U.S. Agency for International Development, transmitting, pursuant to law, the report of a violation of the Antidiciency Act; to the Committee on Appropriations.

EC–6537. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 0676–0684); to the Committee on Foreign Relations.

EC–6538. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of the ''Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Nicaragua Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Hispanic Cultures of the Republic of Nicaragua'' and the ''Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy''; to the Committee on Foreign Relations.

EC–6539. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, the report of proposed legislation entitled ''The Antigua Convention Implementing Act of 2006''; to the Committee on Foreign Relations.

EC–6540. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–6541. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–6542. A communication from the Director, Office of Thrift Supervision, transmitting, pursuant to law, a report relative to the Office of Thrift Supervision's 2006 compensation plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–6543. A communication from the Director, Office of Management, Federal Housing Finance Board, transmitting, pursuant to law, the Board's 2005 Annual Report on the Use of Category Ratings to fill positions; to the Committee on Banking, Housing, and Urban Affairs.

EC–6544. A communication from the Chairman and President (Acting) of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a financial guarantee to support the sale of one Boeing 737–200ER aircraft with installed GE90 engines to Austrian Airlines Lease and Finance Company Ltd.; to the Committee on Banking, Housing, and Urban Affairs.

EC–6545. A communication from the Senior Vice President and Chief Financial Officer, Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–6546. A communication from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, the Department's report on the amount of acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–6547. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, the report of draft legislation entitled ''Lewis and Clark Expedition Bicentennial Commemorative Coin Correction Act''; to the Committee on Banking, Housing, and Urban Affairs.

EC–6548. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations (71 FR 8471)'' received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6549. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations (71 FR 7693)'' received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6550. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations (71 FR 9975)'' received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6551. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations (71 FR 9963)'' received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6552. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations (71 FR 9964)'' received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6553. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations (71 FR 9972)'' received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6554. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations (71 FR 12289)'' received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6555. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations (71 FR 12297)'' received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6556. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations (71 FR 12298)'' received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6557. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations (71 FR 9947)'' received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6558. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations (71 FR 7692)'' received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6559. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations (71 FR 9948)'' received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6560. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations (71 FR 7688)'' received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6561. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations (71 FR 9950)'' received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6562. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility (71 FR 4829)'' (Doc. No. FEMA–7909) received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6563. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6564. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office of Personnel Management's 2005 Federal Activities Inventory Reform (FAIR) Act Inventory and Inventory Summary; to the Committee on Homeland Security and Governmental Affairs.

EC–6565. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Foundation's Fiscal Year 2005 Performance Highlights Report; to the Committee on Homeland Security and Governmental Affairs.

EC–6566. A communication from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Administration's competitive sourcing initiative report for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6567. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Program Performance Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6568. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, a report relative to the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (the No Fear Act); to the Committee on Homeland Security and Governmental Affairs.

EC–6569. A communication from the Under Secretary for Management, Department of Homeland Security, transmitting, pursuant to law, the Department's Competitive Sourcing Efforts Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6570. A communication from the Chief, Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a change in previously submitted reported information, the designation of an acting officer, and a nomination for the position of Chief Financial Officer, received on April 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6571. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: District of Columbia Auditor's Concerns Regarding the Chief Financial Officer (CFO) of the District of Columbia's Nondisclosure of Pertinent Information Regarding the Fiscal Year (FY) 2006 General Purpose General Fund Revenue Estimate''; to the Committee on Homeland Security and Governmental Affairs.

EC–6572. A communication from Director, Office of Personnel Management, transmitting, pursuant to law, the Chief Human Capital Officers Counsel's Annual Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6573. A communication from the General Counsel, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled ''AmeriCorps Grant Applications from Professional Corps'' (RIN3045–AA46) received on April 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6574. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, the Department's Fiscal Year 2005 inventory of inherently governmental and commercial activities; to the Committee on the Judiciary.

EC–6575. A communication from Chief Executive Officer, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the Federal Prison Industries, Inc. Fiscal Year 2005 Annual Report; to the Committee on the Judiciary.

EC–6576. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled ''Administrative Changes to Alcohol, Tobacco and Firearms Regulations Due to the Homeland Security Act of 2002'' ((RIN1513–AA80)(T.D. TTB—44)) received on April 25, 2006; to the Committee on the Judiciary.

EC–6577. A communication from the Deputy Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Immigrant Visas for Fourth Preference Employment-Based Broadcasters'' (RIN1615–AA47) received on April 25, 2006; to the Committee on the Judiciary.

EC–6578. A communication from the Regulations Officer, Office of Disability and Income Security Programs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Filing of Applications and Requirements for Widow's and Widower's Benefits'' (RIN0960–AG32) received on April 25, 2006; to the Committee on Finance.

EC–6579. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Administrative Review Process for Adjudicating Initial Disability Claims'' (RIN0960–AG31) received on April 27, 2006; to the Committee on Finance.

EC–6580. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Statutory Mergers and Consolidations'' ((RIN1545–BF36)(TD 9259)) received on April 25, 2006; to the Committee on Finance.

EC–6581. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application of Separate Limitations to Dividends from Noncontrolled Section 902 Corporations'' ((RIN1545–BF46)(TD 9260)) received on April 25, 2006; to the Committee on Finance.

EC–6582. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Eligibility Requirements for USDA Graded Shell Eggs'' ((RIN0581–AC50)(PY–98–006)) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6583. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches'' (FV06–916/917–1 IFR) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6584. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sweet Cherries Grown in Designated Counties in Washington; Removal of Container Regulations'' (FV06–923–1 IFR) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6585. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sale and Disposal of National Forest System Timber; Free Use to Individuals; Delegation of Authority'' (RIN0596–AC09) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6586. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Land Uses; Special Uses; Recovery of Costs for Processing Special Use Applications and Monitoring Compliance with Special Use Authorizations'' (RIN0596–AB36) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6587. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Resource Agency Procedures for Conditions and Prescriptions in Hydropower Licenses'' (RIN0596–AC42) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6588. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Indices to Determine Market-Related Contract Term Additions'' (RIN0596–AC29) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6589. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Recreation Fees'' (RIN0596–AC35) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6590. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Forest System Land Management Planning'' (RIN0596–AC43) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6591. A communication from the Chairman, Inland Waterways Users Board, transmitting, pursuant to law, the Board's 2006 annual report relative to the investment strategy for the preservation, protection, and enhancement of the Nation's inland navigation system; to the Committee on Environment and Public Works.

EC–6592. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report on the Fiscal Year 2004 implementation of the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act; to the Committee on Environment and Public Works.

EC–6593. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of the Clean Air Act, Section 112(I), Authority for Hazardous Air Pollutants: Perchloroethylene Dry Cleaner Regulation Maine Department of Environmental Protection'' (FRL No. 8049–9) received on April 25, 2006; to the Committee on Environment and Public Works.

EC–6594. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus Thuringiensis VIP3A Insect Control Protein and the Genetic Material Necessary for its Production in Cotton; Extension of a Temporary Exemption from the Requirement of a Tolerance'' (FRL No. 7772–7) received on April 25, 2006; to the Committee on Environment and Public Works.

EC–6595. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Georgia: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 8161–2) received on April 25, 2006; to the Committee on Environment and Public Works.

EC–6596. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''OMB Approvals Under the Paperwork Reduction Act; Technical Amendment'' (FRL No. 8161–7) received on April 25, 2006; to the Committee on Environment and Public Works.

EC–6597. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments to the Highway and Nonroad Diesel Regulations'' (FRL No. 8161–9) received on April 25, 2006; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 2683. A bill to suspend temporarily the duty on 2-cyanopyridine; to the Committee on Finance.

By Mr. SANTORUM:

S. 2684. A bill to suspend temporarily the duty on Mixed Xylidines; to the Committee on Finance.

By Mr. LUGAR:

S. 2685. A bill to suspend temporarily the duty on certain textured rolled glass sheets; to the Committee on Finance.

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 2686. A bill to amend the Communications Act of 1934 and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself and Mr. KENNEDY):

S. 2687. A bill to amend title XVIII of the Social Security Act to stabilize the amount of the Medicare part B premium; to the Committee on Finance.

By Mr. ISAKSON:

S. 2688. A bill to amend the Internal Revenue Code of 1986 to encourage private philanthropy; to the Committee on Finance.

By Ms. COLLINS:

S. 2689. A bill to amend the Internal Revenue Code of 1986 to increase certain alternative fuel and vehicle tax incentives and to eliminate certain tax incentives for major integrated oil companies, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 456. A resolution expressing the sense of the Senate on the discussion by the North Atlantic Council of secure, sustainable, and reliable sources of energy; to the Committee on Foreign Relations.

By Mr. VITTER (for himself, Ms. MIKULSKI, Mr. DEMINT, Mr. CRAIG, and Mr. ISAKSON):

S. Res. 457. A resolution expressing the sense of the Senate that the citizens of the United States and the United States Government have serious concerns regarding the release of convicted terrorist and murderer Mohammad Ali Hammadi by the Government of Germany; considered and agreed to.

By Mr. ALEXANDER (for himself, Mr. FRIST, Mr. MCCONNELL, Mr. STEVENS, Mr. ISAKSON, Mr. ROBERTS, Mr. SHELBY, Mr. BUNNING, Mr. SANTORUM, and Mr. TALENT):

S. Res. 458. A resolution affirming that statements of national unity, including the National Anthem, should be recited or sung in English; to the Committee on the Judiciary.

By Mr. DODD:

S. Con. Res. 90. A concurrent resolution acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of Afro-descendant communities in Latin America and the Caribbean; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mr. DEWINE, and Mr. SESSIONS):

S. Con. Res. 91. A concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert ''Satchel'' Paige; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 283

At the request of Mrs. DOLE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 283, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the transportation of food for charitable purposes.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 368

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 368, a bill to provide assistance to reduce teen pregnancy, HIV/AIDS, and other sexually transmitted diseases and to support healthy adolescent development.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 843

At the request of Mr. SANTORUM, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1035

At the request of Mr. INHOFE, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Hawaii (Mr. AKAKA) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1086

At the request of Mr. HATCH, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1774

At the request of Mr. CORNYN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1774, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2025

At the request of Mr. BAYH, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2025, supra.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2305

At the request of Mr. AKAKA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2305, a bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program.

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2392

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2392, a bill to promote the empowerment of women in Afghanistan.

S. 2416

At the request of Mr. BURNS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2416, a bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes.

S. 2453

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 2453, a bill to establish procedures for the review of electronic surveillance programs.

S. 2557

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2557, a bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes.

S. 2636

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2636, a bill to provide an immediate Federal income tax rebate to help taxpayers with higher fuel costs, and for other purposes.

S. 2653

At the request of Mr. STEVENS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2653, a bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2661

At the request of Mr. MARTINEZ, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2661, a bill to provide for a plebiscite in Puerto Rico on the status of the territory.

S. RES. 313

At the request of Ms. CANTWELL, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

S. RES. 436

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 436, a resolution urging the Federation Internationale de Football Association to prevent persons or groups representing the Islamic Republic of Iran from participating in sanctioned soccer matches.

S. RES. 442

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 442, a resolution expressing the deep disappointment of the Senate with respect to the election of Iran to a leadership position in the United Nations Disarmament Commission and requesting the President to withhold funding to the United Nations unless credible reforms are made.

At the request of Mr. COLEMAN, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 442, supra.

AMENDMENT NO. 3599

At the request of Mr. LUGAR, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 3599 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3642

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of amendment No. 3642 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3650

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3650 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3656

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from Alaska (Mr. STEVENS), the Senator from Michigan (Ms. STABENOW) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 3656 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3664

At the request of Mr. LEAHY, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 3664 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3666

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 3666 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3679

At the request of Mr. HAGEL, his name was added as a cosponsor of amendment No. 3679 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3693

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3693 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3694

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3694 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3695

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3695 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3697

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3697 proposed to H.R. 4939, a bill making emergency supplemental appropriations for

the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3715

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 3715 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 2686. A bill to amend the Communications Act of 1934 and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Madam President, today Senator INOUYE and I introduce the Communications Act of 2006. Just over a month ago, the Senate Commerce Committee concluded a series of 15 hearings on the state of our Nation's communications laws. We looked at what changes in the law would be required to spur innovation, encourage competition, and provide better service at a lower price for consumers. Senator INOUYE and I, and the members of our committee heard from dozens of witnesses and still more who have offered comments and suggested language. Our staffs met with literally hundreds of people representing every point of view.

The measure we introduce today is a working draft intended to stimulate discussion and is open for comments and suggestions for change. It attempts to strike a balance between competing industries, consumer groups and local government. Both Senator INOUYE and I may propose additional changes based on comments offered by our members or interested parties. We will hold two hearings to take testimony on the draft bill and will listen to proposed changes. It is our hope that through a process of collaboration, we can draft a bill that represents a bipartisan consensus.

The bill includes elements from a number of bills introduced by members of our committee from both sides of the aisle. The Call Home Act that Senator INOUYE and I introduced last week would allow the FCC to take any action short of price regulation to reduce rates for members of our Armed Forces who call home. The measure includes thirteen cosponsors from our committee and another twenty-five cosponsors from the Senate at large. The Call Home Act has been endorsed by twenty-five military and veterans organizations.

The overarching theme of the bill we introduce today is deployment of broadband nationwide. Today the United States is less than 16th in adoption of broadband worldwide. We are not only behind most of the developed world, we even lag behind some of the less developed parts of the globe. To address this broadband gap, the bill we introduce today will allow local governments to offer their own broadband service, so long as they do not compete unfairly with the private sector. The provision is based largely on Senator MCCAIN's and LAUTENBERG's bill, S. 1294, cosponsored by Senator KERRY, but includes elements to protect the private sector from unfair government competition from Senator ENSIGN's bill, S. 1504 cosponsored by MCCAIN, LOTT, DEMINT, and VITTER.

Senator MCCAIN was also very helpful in crafting the interoperability section of the bill. After Hurricane Katrina and later Wilma and Rita, the committee held a series of hearings on problems communications companies had in restoring service and the difficulties first responders had in talking to one another even when service had been fully restored. During those difficult times, Senators LOTT and VITTER played an important role in highlighting the importance of interoperability in times of crisis. As part of the reconciliation bill adopted last December, this committee addressed the interoperability problem by dedicating $1 billion to interoperability programs. However, because of the Byrd rule, it was not possible to provide guidance on how the money should be spent. The interoperability bill we introduce today adopts many of the recommendations offered by a variety of groups from the 911 Commission to the recent White House report. It embraces key concepts such as Planning and interoperable equipment grants which have been discussed with the Department of Homeland Security and various public safety groups.

The bill will also crate prepositioned technology caches in every State in the Union with some redundant regional caches for national emergencies—an idea offered by Senator INOUYE and his staff. These caches will include equipment like satellite telephones that work even when towers and power lines have been destroyed.

Senator KERRY has also been in involved in the interoperability discussion, and I believe he will have suggestions as we move forward on how to build redundancy into our communications system.

One of the centerpieces of the legislation is video franchising reform. The bill is based largely on legislation introduced by Senator ENSIGN, S. 1504, cosponsored by Senators MCCAIN, LOTT, DEMINT, and VITTER. Senators SMITH and ROCKEFELLER introduced a similar measure. Consistent with the Inouye/Burns principles, the measure retains local franchise involvement, but is based off of the Alaska model which uses expedited procedures, consistent with the shot clock principles in the Inouye/Burns principles.

By using a standard application, but preserving the cities' right to manage their own rights of way and providing the revenues needed to operate their institutional networks as well as their PEG channels, the bill seeks to balance the needs of those who want to deploy broadband networks for video services and the desires of cities to continue the services they offer today. We also sought to address the needs of the existing cable companies by offering them the same terms as new entrants immediately upon approval of the competitor's franchise application. Additionally, a cable company can avail itself of the new streamlined rules after its current franchise agreement expires.

Another issue addressed in the draft bill is access to video content. While satellite companies are barred from hoarding exclusive sports programming, the so-called terrestrial loophole does not impose the same mandate on cable companies. As a result, through acquisition of regional sports networks by cable operators, competition with satellite providers is stymied. The Sports Freedom Act included in this bill is patterned after a provision in the Ensign bill cosponsored by MCCAIN, LOTT, DEMINT, and VITTER.

Also critical to providing compelling content is the broadcast flag. Broadcasters are reluctant to offer their best programming over the air for fear it could be stolen and distributed worldwide over the Internet with no regard to copyright protection. This has been a critical issue for Senator INOUYE on the video side and for Senator FRIST on the audio side. Senators SMITH and BOXER took on this issue and developed a draft bill which became the basis for the legislation we introduce today. It attempted to strike a balance between the needs of broadcasters and the desires of the consumer electronic industry not to have the Federal Government pick technology winners and losers. While interested parties may have suggestions for improving the bill, we believe it is a good first step in addressing their concerns. I commend Senators SMITH and BOXER for their hard work on this issue.

The measure includes a white space provision modeled after S. 2327, the Allen-Kerry WIN Act supported by Senators SUNUNU, DORGAN, and BOXER. It adds some protections the broadcasters requested to prevent harmful interference by requiring any new device to be tested in an FCC certified lab before deployment. The concept of using vacant TV channels for broadband deployment through Wi-Fi, Wi-Max and other technologies is strongly endorsed by consumer groups and the technology community. Also, each can play an important role in bringing broadband to rural America.

The legislation includes guidance on the DTV transition that was not possible in the reconciliation bill because of the Byrd rule. Much of the language we included is based on a provision Senator INOUYE worked on to Address consumer education issues. It also includes an international coordination element requested by Senator HUTCHISON to address interference on the US-Mexico border that will also

benefit other border states, such as Alaska, Washington, Montana, North Dakota, and Maine. In addition, we have included S. 900, Senator MCCAIN's Television Information Enhancement for the visually impaired act which Senator INOUYE and I cosponsored, along with Senator SMITH. That bill authorizes an existing FCC rule requiring TV stations to offer some video description of television shows so blind listeners will be able to follow the action. The existing rule was struck down by the courts on the grounds that the FCC lacked authority for such a rule. Today we provide them the authority they need. As the son of a father who was blind for a period of time, this is an issue of personal interest to me.

Last, but most important to me is universal service reform. Our measure is based on a series of bills. The contribution mechanism we adopted is based on S. 2256, the Burns USF bill and S. 1583, the Smith-Dorgan measure which was also cosponsored by Senator PRYOR. It allows the FCC to adopt a contribution mechanism based on revenues, numbers, or connections. Such a step is needed to stabilize this important program. it also includes Senator SMITH's concept of a separate broadband fund to address the needs of unserved areas.

We have included S. 241, the Snowe-Rockefeller ADA exemption after failing in our efforts to work out this issue with the Administration. While the Burns and Smith-Dorgan-Pryor bills were the basis for our USF title, we also used important concepts from H.R. 5072, the Terry-Boucher bill, and we applaud them for their leadership in the House and thank them for their contribution to this effort. Lastly, we have included S. 2378, the Inouye measure that will improve the e-rate program for Native Americans. Senators MCCAIN, DORGAN, and I joined in cosponsoring that bill.

This bill includes provisions throughout that will benefit consumers. It encourages competition and cost savings in the video market. It addresses some critical needs in rural America. And, it encourages deployment of broadband so that our Nation can remain competitive.

This is a comprehensive bill, as indicated by my comments, that we have researched. The bill is introduced by every Member of the Senate. We are attempting to collate them so we can have one communications act for this year. This will be the Communications Act of 2006.

I urge the Senate to review it. We look forward to having their comments.

Mr. INOUYE. Mr. President, today, I have agreed to cosponsor telecommunications legislation introduced by Senator STEVENS. I do so in a spirit of bipartisanship because I believe that bipartisanship will be required if we are to successfully update our Nation's communications laws. My cosponsorship, however, is not a demonstration of support for the bill itself.

This is the draft of the majority staff, and I have numerous, substantive objections to the bill in its current form. Given that my colleagues and I have not yet had an opportunity to weigh in on this critical legislation, I consider its introduction the very beginning of the legislative process.

Now that the majority staff's draft is no longer a secret, we can begin a full review of the bill and address the many issues important to me and my colleagues. At first glance, some provisions will need to be deleted or changed substantially and some issues still need to be addressed.

For example, we cannot ignore concerns about the potential for discrimination by network operators, but the draft appears to do just that by failing to create enforceable protections that will ensure network neutrality. Similarly, I believe that the provisions addressing video franchise reform must follow more closely the principles Senator BURNS and I offered earlier this year. At a time of increasing consolidation in the communications industry, it is essential that we guarantee rights of interconnection, promote competition, and restrain anticompetitive behavior, particularly in markets where the Bell Companies continue to have significant market power. The legislation must promote the availability of affordable, broadband services and extend consumer protections on a competitively neutral basis.

Again, I recognize and honor the chairman's prerogative to set this legislative process into motion. The chairman is aware of my many concerns and has assured me that this will be a bipartisan process, and the Democrats will be at the table. I look forward to our discussions, and I am hopeful that we can develop a final product that everyone on our committee can support.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 456—EXPRESSING THE SENSE OF THE SENATE ON THE DISCUSSION BY THE NORTH ATLANTIC COUNCIL OF SECURE, SUSTAINABLE, AND RELIABLE SOURCES OF ENERGY

Mr. LUGAR submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 456

Resolved, That it is the sense of the Senate that—

(1) the President should place on the agenda for discussion at the North Atlantic Council, as soon as practicable, the merits of establishing a policy and strategy for the North Atlantic Treaty Organization to promote the security of members of the Organization through the development of secure, sustainable, and reliable sources of energy; and

(2) the President should submit to Congress a report that sets forth—

(A) the actions the United States has taken to place the matter referred to in paragraph (1) on the agenda for discussion at the North Atlantic Council;

(B) the position of the United States on the matter, as communicated to the North Atlantic Council by the representatives of the United States to the Council;

(C) a summary of the debate on the matter at the North Atlantic Council, including any decision that has been reached with respect to the matter by the Council; and

(D) a strategy for the North Atlantic Treaty Organization to develop secure, sustainable, and reliable sources of energy, including contingency plans if current energy resources are put at risk.

Mr. LUGAR. Mr. President, I rise today to submit a resolution that calls upon the United States to lead the discussion at NATO headquarters of the role the alliance could play in energy security. It further calls upon the President to submit to Congress a report that details ''a strategy for NATO to develop secure, sustainable, and reliable sources of energy, including contingency plans if current energy resources are put at risk.''

NATO is now facing new challenges and new priorities. To be fully relevant to the security and well-being of the people of its member nations, NATO must think and act globally.

International developments are calling attention to the growing importance of energy security for NATO member countries and other nonmember partners. Dependence on imports of oil and natural gas from limited numbers of countries with state-controlled reserves makes NATO member countries vulnerable to political manipulation of supply. On a global scale, increased competition for finite supplies of oil and gas could lead to conflict that would directly involve NATO member states. This is why the resolution urges that the United States energy security message to NATO members include attention toward sustainable fuels and preparedness for supply disruption.

As the alliance focuses on a clearer definition of its purpose in the 21st century, I believe that it is important to show congressional support for NATO playing a role in energy security.

SENATE RESOLUTION 457—EXPRESSING THE SENSE OF THE SENATE THAT THE CITIZENS OF THE UNITED STATES AND THE UNITED STATES GOVERNMENT HAVE SERIOUS CONCERNS REGARDING THE RELEASE OF CONVICTED TERRORIST AND MURDERER MOHAMMAD ALI HAMMADI BY THE GOVERNMENT OF GERMANY

Mr. VITTER (for himself, Ms. MIKULSKI, Mr. DEMINT, Mr. CRAIG, and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 457

Whereas, although the Government of Germany has been a significant partner in combating international terrorism, their release of Mohammad Ali Hammadi was a grave and unfortunate mistake;

Whereas, in 1985, Mr. Hammadi, along with Hasan Izz-Al-Din, Ali Atwa, and Imad Fayez Mugniyah, hijacked Trans World Airlines Flight 847, and subsequently escaped from the scene of the hijacking;

Whereas United States Navy Petty Officer Robert Dean Stethem was singled out during the hijacking of Trans World Airlines Flight 847 because he was a serviceman of the United States, savagely beaten before being executed, and dumped on the tarmac of Beirut International Airport;

Whereas Petty Officer Stethem was posthumously awarded the Bronze Star and Purple Heart and buried at Arlington National Cemetery;

Whereas, in 1987, Mr. Hammadi was arrested at Frankfurt Airport while carrying liquid explosives in his luggage;

Whereas, in 1989, Mr. Hammadi, a Shiite militant from Lebanon, was convicted in a court in Germany for the brutal killing of Petty Officer Stethem and was sentenced to life in prison in Germany;

Whereas, after less than 19 years behind bars Mr. Hammadi was released in December 2005 and flown to Lebanon by the Government of Germany even though the United States does not have an extradition treaty with the Government of Lebanon; and

Whereas the release of Mr. Hammadi came in the face of strong opposition from the United States Government, and Petty Officer Stethem's parents were not even informed in advance that the killer of their son was to be released; Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the unfortunate actions of the Government of Germany with respect to Mohammad Ali Hammadi have undermined the joint efforts by the United States Government and the Government of Germany to effectively combat international terrorism;

(2) the early release of Mr. Hammadi sends a signal of weakness to terrorist groups such as Hezbollah and could increase the likelihood of further terrorist attacks against the citizens of Europe and the rest of the world;

(3) the United States Government should continue to call on the Government of Lebanon to hand over Mr. Hammadi and other known terrorists so that they may face trial in the United States;

(4) the United States Government should take all appropriate steps to secure the arrest of Mr. Hammadi and his fellow hijackers and their transfer to the United States for trial; and

(5) the murderers of United States Navy Petty Officer Robert Dean Stethem must be brought to justice, and a clear message must be sent to the international community that the brutal murder of service members or civilians of the United States will neither be tolerated nor forgotten.

SENATE RESOLUTION 458—AFFIRMING THAT STATEMENTS OF NATIONAL UNITY, INCLUDING THE NATIONAL ANTHEM, SHOULD BE RECITED OR SUNG IN ENGLISH

Mr. ALEXANDER (for himself, Mr. FRIST, Mr. MCCONNELL, Mr. STEVENS, Mr. ISAKSON, Mr. ROBERTS, Mr. SHELBY, Mr. BUNNING, Mr. SANTORUM, and Mr. TALENT) submitted the following resolution; which was referred to the Committtee on the Judiciary:

S. RES. 458

Whereas Francis Scott Key wrote the words of the Star-Spangled Banner in English in 1814, inspired by the sight of the American flag still waving at Fort McHenry after 25 hours of continual bombardment by British forces;

Whereas Congress declared the Star-Spangled Banner the National Anthem of the United States in 1931 (section 301 of title 3, United States Code);

Whereas the Pledge of Allegiance to the Flag of the United States, written in English, was first specified in law by Congress in 1942 (section 4 of title 4, United States Code);

Whereas the Oath of Allegiance, to which lawful permanent residents swear upon becoming citizens of the United States (as required under section 337 of the Immigration and Naturalization Act (8 U.S.C. 1448)), is based, in part, on language originally written in English by General George Washington and sworn by him and his general officers at Valley Forge in 1778;

Whereas the vast majority of Americans are immigrants or the descendants of immigrants, proud of their ancestral country, but prouder still to be American;

Whereas millions of Americans speak or study additional languages, but English is their common language;

Whereas the original national motto of the United States, ''E Pluribus Unum'', meaning ''from many, one'', signifies the coming together of people from many foreign countries to form one Nation, was incorporated into the Great Seal of the United States in 1776, is printed on currency of the United States, and inscribed on the wall of the Senate chamber;

Whereas the people of the United States are united not by race, ancestry, or origin, but by a common language, English, and by common belief in the principles prescribed in the founding documents of the Nation, especially the Declaration of Independence and the Constitution; and

Whereas, to become citizens of the United States, under the sections 312 and 337 of the Immigration and Nationality Act (8 U.S.C. 1423 and 1448), lawful permanent residents of the United States who have immigrated from foreign countries must, among other requirements, renounce allegiance to the government of their country of origin, swear allegiance to the laws and Constitution of the United States, and demonstrate an understanding of the English language: Now, therefore, be it

Resolved, That the Senate affirms that statements or songs that symbolize the unity of the Nation, including the National Anthem, the Oath of Allegiance sworn by new United States citizens, and the Pledge of Allegiance to the Flag of the United States, should be recited or sung in English, the common language of the United States.

SENATE CONCURRENT RESOLUTION 90—ACKNOWLEDGING AFRICAN DESCENDANTS OF THE TRANSATLANTIC SLAVE TRADE IN ALL OF THE AMERICAS WITH AN EMPHASIS ON DESCENDANTS IN LATIN AMERICA AND THE CARIBBEAN, RECOGNIZING THE INJUSTICES SUFFERED BY THESE AFRICAN DESCENDANTS, AND RECOMMENDING THAT THE UNITED STATES AND THE INTERNATIONAL COMMUNITY WORK TO IMPROVE THE SITUATION OF AFRO-DESCENDANT COMMUNITIES IN LATIN AMERICA AND THE CARIBBEAN

Mr. DODD submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 90

Whereas we must remember that African-Americans are not the only survivors of the transatlantic slave trade;

Whereas like the United States, many European nations benefitted greatly from the colonization of Latin America and the Caribbean and their participation in the slave trade;

Whereas the story of African descendants in all of the Americas remains untold, leading them to be forgotten, made invisible, and allowed to suffer unjustly;

Whereas it is important to acknowledge that as a result of the slave trade and immigration, approximately 80,000,000 to 150,000,000 persons of African descent live in Latin America and the Caribbean, making them the largest population of persons of African descent outside of Africa;

Whereas Afro-descendants are present in most Latin American countries, including Argentina, Bolivia, Chile, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela;

Whereas the size of Afro-descendant populations varies in range from less than 1 percent in some countries to as much as 30 percent in Colombia and 46 percent in Brazil and make up the majority in some Spanish speaking Caribbean nations, such as Cuba and the Dominican Republic;

Whereas Afro-descendant populations have made significant economic, social, and cultural contributions to their countries and the Western Hemisphere from their unfortunate involvement in the transatlantic slave trade to their recent contributions to trade, tourism, and other industries;

Whereas although persons of African descent have made significant achievements in education, employment, economic, political, and social spheres in some countries, the vast majority are marginalized—living in impoverished communities where they are excluded from centers of education, government, and basic human rights based upon the color of their skin and ancestry;

Whereas Afro-descendants have shorter life expectancies, higher rates of infant mortality, higher incidences of HIV/AIDS, higher rates of illiteracy, and lower incomes than do other populations;

Whereas Afro-descendants encounter problems of access to healthcare, basic education, potable water, housing, land titles, credit, equal justice and representation under the law, political representation, and other economic, political, health, and basic human rights; and

Whereas skin color and ancestry have led African-Americans in the United States and African descendants in Latin America and the Caribbean to share similar injustices, leading to economic, social, health, and political inequalities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes and honors African descendants in the Americas for their contributions to the economic, social, and cultural fabric of the countries in the Americas, particularly in Latin American and Caribbean societies;

(2) recognizes that as a result of their skin color and ancestry, African descendants in the Americas have wrongfully experienced economic, social, and political injustices;

(3) urges the President to take appropriate measures to encourage the celebration and remembrance of the achievements of African descendants in the Americas and to resolve injustices suffered by African descendants in the Americas;

(4) encourages the United States and the international community to work to ensure

that extreme poverty is eradicated, universal education is achieved, quality healthcare is made available, sustainable environmental resources, including land where applicable, is provided, and equal access to justice and representation under the law is granted in Afro-descendant communities in Latin America and the Caribbean; and

(5) encourages the United States and the international community to achieve these goals in Latin America and the Caribbean by—

(A) promoting research that focuses on identifying and eradicating racial disparities in economic, political, and social spheres;

(B) promoting, funding, and creating development programs that focus on Afro-descendant communities;

(C) providing technical support and training to Afro-descendant advocacy groups that work to uphold basic human rights in the region;

(D) promoting the creation of an international working group that focuses on problems of communities of Afro-descendants in the Americas; and

(E) promoting trade and other bilateral and multilateral agreements that take into account the needs of Afro-descendant communities.

Mr. DODD. Mr. President, I rise today to submit a concurrent resolution acknowledging African descendants of the transatlantic slave trade throughout the Western Hemisphere, and in particular, Latin America and the Caribbean. This resolution would raise awareness about the continued injustices they face and urge the U.S. and the international community to work to improve the condition of Afro-descendent communities in these regions.

Slavery remains a dark stain on human history. Over the past century, this terrible evil has been virtually eliminated in many parts of the world, including in the Western Hemisphere.

Here in the United States, we most often speak of slavery as it existed within our borders. But we need to remember that the institution of slavery extended throughout the Americas.

Across the hemisphere, slaves were brought in bondage from Africa, enduring extraordinary hardships, brutal maltreatment, and the deprivation of a most fundamental human right—the right to liberty. Yet, despite this reality, Afro-descendent communities have contributed a great deal to the countries and communities in which they have lived. Unfortunately, though, even today, the many contributions of Afro-descendent communities throughout our hemisphere are underappreciated.

Currently, there are approximately 80 million to 150 million individuals of African descent living in Latin America and the Caribbean. In some countries, including the Dominican Republic and Cuba, Afro-descendants actually constitute the majority of the population. But all too often, they are left marginalized in these societies.

Indeed, individuals of African descent throughout Latin America and the Caribbean suffer disproportionately from a variety of social and economic ills.

On average, they have lower incomes and rates of literacy than do other populations in the same areas. And while Afro-descendants make up 30 percent of the population of Latin America, they comprise 60 percent of the region's poor.

These circumstances severely impact Afro-descended communities in the Americas. Their inhabitants have shorter life spans and higher rates of infant mortality. They suffer from higher rates of HIV/AIDS infection than their compatriots. And many live in deplorable conditions, without potable water, access to healthcare, or basic education.

The resolution I am submitting today is a companion to a measure introduced by Congressman CHARLES RANGEL in the House of Representatives. I believe it is an important resolution, which celebrates the contributions of Afro-descendants to the economic, social, and cultural fabric of our hemisphere, while drawing attention to the continued injustices they face.

This resolution is a message that more attention needs to be focused on the continuing plight of Afro-descendants in the hemisphere. Most importantly, it proposes positive initiatives that would enable us to take a step towards alleviating the suffering caused by extreme poverty and racial disparities in this hemisphere.

Among other things, it encourages the United States and the international community to invest in critical measures to combat racial disparities, including research into identifying and eradicating the causes of such iniquities; funding for development programs targeted at the needs of Afro-descendent communities; technical assistance for groups advocating for the rights of Afro-descendents; the creation of an international working-group focused on the problems facing these communities; and the promotion of trade agreements that take into account their needs.

Individuals of African descent have and will continue to play an essential role in the long-term development of our hemisphere. This resolution will help to shed some light on the historic injustices they have faced, and will raise awareness about the challenges continuing to face them in their daily lives throughout Latin America and the Caribbean. Doing so is an important step toward righting a historical wrong and paving the way for a more prosperous future. I ask my colleagues for their support in this effort.

SENATE CONCURRENT RESOLUTION 91—EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD POSTHUMOUSLY AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO LEROY ROBERT ''SATCHEL'' PAIGE

Mr. NELSON of Florida (for himself, Mr. DEWINE, and Mr. SESSIONS) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 91

Whereas Satchel Paige, who was born on July 7, 1906, in Mobile, Alabama, lived a life that was marked by his outstanding contributions to the game of baseball;

Whereas Satchel Paige was a dominating pitcher whose baseball career spanned several decades, from 1927 to 1965;

Whereas Satchel Paige played in the Negro Leagues and became famous for his unusual pitching style and his ability to strike out almost any player he faced;

Whereas Satchel Paige pitched 62 consecutive scoreless innings in 1933;

Whereas, due to the practice of segregation in baseball, Satchel Paige was prohibited for many years from playing baseball at the major league level;

Whereas Satchel Paige played for many Negro League teams, including—

(1) the Chattanooga Black Lookouts;

(2) the Birmingham Black Barons;

(3) the Nashville Elite Giants;

(4) the Mobile Tigers;

(5) the Pittsburgh Crawfords; and

(6) the Kansas City Monarchs;

Whereas, while pitching for the Kansas City Monarchs, Satchel Paige won 4 consecutive league pennants from 1939 to 1942, and later won a 5th pennant in 1946 with that team;

Whereas, after the desegregation of baseball, Satchel Paige signed a contract to pitch for the Cleveland Indians at age 42, and soon thereafter became the oldest rookie ever to play baseball at the major league level;

Whereas the extraordinary pitching of Satchel Paige helped the Cleveland Indians complete a championship season in 1948, as the team won the American League Championship and the World Series;

Whereas Satchel Paige threw an estimated 300 career shutouts;

Whereas, in 1971, Satchel Paige became the first Negro League player to be inducted into the Major League Baseball Hall of Fame;

Whereas the legendary pitching of Satchel Paige earned him numerous awards and accolades, including—

(1) a nomination to the All Century Team by Major League Baseball as 1 of the greatest players of the 20th century; and

(2) a selection to the 50 Legends of Baseball by the Postal Service;

Whereas, despite years of discrimination that limited the play of Satchel Paige to the Negro Leagues, his prowess on the pitching mound earned him the respect and admiration of fans and players throughout the world of baseball;

Whereas Satchel Paige passed away on June 8, 1982; and

Whereas the Presidential Medal of Freedom, the highest civilian honor in the United States, was established in 1945 to recognize citizens of the United States who have made exceptional contributions to—

(1) the security or national interests of the United States;

(2) world peace;

(3) the culture of the United States or the world; or

(4) the citizens of the United States or the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should award the Presidential Medal of Freedom posthumously to Leroy ''Satchel'' Paige in honor of his distinguished baseball career and the contributions that he has made to the improvement of the society of the United States and the world.

Mr. NELSON of Florida. Mr. President, I rise today on behalf of myself,

and Senators DEWINE and SESSIONS, to submit a resolution expressing the sense of Congress that the President posthumously award the Presidential Medal of Freedom to Leroy Robert ''Satchel'' Paige in recognition of his amazing talent and contributions to baseball, our national pastime.

Satchel Paige was born in Mobile, AL, on July 7, 1906, and has been described as one of the greatest baseball pitchers of all time. In 1933, for example, he pitched 62 consecutive scoreless innings. He won four consecutive Negro League pennants from 1939 to 1942, and a fifth pennant in 1946. Although Paige spent most of his career in the Negro Leagues due to racial segregation, his reputation as an amazing pitcher was known to both Black and White audiences.

In 1948, a year after Jackie Robinson integrated major league baseball, Paige was signed to play with the Cleveland Indians, becoming the oldest rookie at age 42 to play at the Major League level.

On August 20, 1948, as Paige pitched the Indians to a 1–0 victory over the White Sox, the night game's attendance, 78,382, set a record that still stands today. The Cleveland Indians went on to win the American League Championship and the World Series in 1948.

In his career, Paige threw an estimated 300 career shutouts. In 1971, he became the first Negro League player inducted into the Major League Baseball Hall of Fame. As one of the greatest players of the 20th century, he was nominated to the All Century Team by Major League Baseball, and was selected by the Postal Service as one of the 50 Legends of Baseball.

Satchel Paige passed away on June 8, 1982, but his talent and electric style of play are still remembered by baseball fans today.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3728. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 3729. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3730. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3731. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3732. Mr. GRASSLEY (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3733. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3734. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3735. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3736. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3737. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3738. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3739. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3740. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3741. Mr. LIEBERMAN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3742. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3743. Mr. LEVIN (for himself, Ms. STABENOW, Mr. COLEMAN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3744. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3745. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3746. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3747. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3748. Mr. SALAZAR (for himself, Mr. ALLARD, Mr. MCCONNELL, Mr. WYDEN, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3749. Ms. CANTWELL (for herself, Mr. BIDEN, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3750. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3751. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3752. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3753. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3754. Mr. DURBIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3755. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3756. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3757. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3758. Mr. SCHUMER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3759. Mr. LEVIN (for himself, Ms. STABENOW, Mr. DEWINE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3760. Mr. BIDEN (for himself, Mr. LUGAR, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3761. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3762. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3763. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3764. Mr. KERRY (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3765. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3766. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3767. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3768. Mr. KENNEDY (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3769. Mr. DOMENICI (for himself and Mr. REID) proposed an amendment to the bill H.R. 4939, supra.

SA 3770. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3771. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3772. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3773. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3774. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra.

SA 3775. Mr. HARKIN (for himself, Mr. JOHNSON, and Mr. KERRY) submitted an

amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3776. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3777. Mr. MENENDEZ (for himself, Mr. LEAHY, Mr. DURBIN, Mr. SARBANES, Mr. LAUTENBERG, Mr. DODD, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3778. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3779. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3780. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3781. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3782. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3783. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3784. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3785. Mr. LEVIN (for himself, Mr. DORGAN, Ms. STABENOW, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3786. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3787. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3788. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3789. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3790. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3791. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra.

SA 3792. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3793. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3794. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3795. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3796. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3797. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3798. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3799. Mr. INOUYE (for himself, Mr. STEVENS, Mr. SHELBY, Mr. SARBANES, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3800. Mr. INOUYE (for himself, Mr. STEVENS, Mrs. HUTCHISON, Mr. ROCKEFELLER, Mrs. BOXER, Mr. LAUTENBERG, Ms. SNOWE, Ms. CANTWELL, Mr. KERRY, Mr. DORGAN, Mr. NELSON, of Florida, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3801. Mr. LEAHY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3802. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3803. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3804. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3805. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3806. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3807. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3808. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3809. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3810. Mr. OBAMA (for himself, Mr. COBURN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3811. Mr. OBAMA (for himself, Mr. COBURN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3812. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3813. Mr. OBAMA (for himself, Mr. BINGAMAN, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3814. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3815. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3816. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3817. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3818. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3819. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3820. Mr. OBAMA (for himself, Mr. LEVIN, Mr. BAYH, Ms. LANDRIEU, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3821. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3822. Mr. INOUYE (for himself, Mr. STEVENS, Mr. SHELBY, Mr. SARBANES, Mr. ROCKEFELLER, Mr. REED, Mrs. BOXER, Mrs. CLINTON, and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3823. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3824. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 3613 submitted by Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) and intended to be proposed to the bill H .R. 4939, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3728. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 19, strike ''$10,600,000,000'' and insert ''$10,400,000,000''.

On page 168, between lines 8 and 9, insert the following:

FLOOD PROTECTION, LOUISIANA

SEC. 2054. (a) There shall be made available $200,000,000 for the Secretary of the Army (referred to in this section as the ''Secretary'') to provide, at full Federal expense—

(1) pumping capacity and other measures required to prevent flooding associated with modifications to outfall canals in Jefferson and Orleans Parishes, Louisiana;

(2) repairs, replacements, modifications, and improvements of non-Federal levees and associated protection measures—

(A) in areas of Terrebonne Parish, and of Jefferson Parish in the vicinity of Jean Lafitte; and

(B) on the east bank of the Mississippi River in Plaquemines Parish, Louisiana; and

(3) for armoring the hurricane and storm damage reduction system in south Louisiana.

(b) A project under this section shall be initiated only after non-Federal interests have entered into binding agreements with

the Secretary to pay 100 percent of the operation and maintenance costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.

(c) The Secretary shall submit to Congress a report detailing a modified plan to protect lower Plaquemines Parish, Louisiana, from damage attributable to hurricanes with a focus on—

(1) protecting populated areas;

(2) energy infrastructure;

(3) structural and nonstructural coastal barriers and protection;

(4) port facilities; and

(5) the long-term maintenance and protection of the deep draft navigation channel on the Mississippi River.

(d) Not later than 30 days after the date of enactment of this Act, the Secretary shall offer to enter into a contract with the National Academies to provide to the Secretary a report, by not later than 90 days after the date of enactment of this Act, describing, for the period beginning on the date on which the individual system components for hurricane and storm damage reduction was constructed and ending on the date on which the report is prepared, the difference between—

(1) the portion of the vertical depreciation of the system that is attributable to design and construction flaws, taking into consideration the settling of levees and floodwalls or subsidence; and

(2) the portion of that depreciation that is attributable to the application of new storm datum that may require a higher level of vertical protection in order to comply with 100-year floodplain certification and standard protect hurricane.

(e) The amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3729. Mr. CHAFFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND

SEC. 7_____. (a) In this section:

(1) The term ''Barrier'' means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) The term ''City'' means the city of Providence, Rhode Island.

(3) The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(b) Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c)(1) The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

SA 3730. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 235, between lines 19 and 20, insert the following:

SEC. 30___. REPORT ON FIRE SEASON.

Not later than June 1, 2006, the Secretary of the Interior shall submit to Congress a report that—

(1) assesses the projected severity of the pending fire season;

(2) taking into consideration drought, hazardous fuel buildup, and insect infestation, identifies the areas in which the threat of the pending fire season is the most serious;

(3) describes any actions recommended by the Secretary of the Interior to mitigate the threat of the pending fire season; and

(4) specifies the amount of funds that would be necessary to carry out the actions recommended by the Secretary under paragraph (3).

SA 3731. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

SENSE OF SENATE ON IRAQ

SEC. 1312. (a) FINDINGS.—The Senate makes the following findings:

(1) No community in Iraq was spared from Saddam's campaign of repression and division.

(2) Liberation has brought its own challenges. Saddam's removal from power was the essential first step in restoring stability, freedom, and sovereignty for the Iraqi people.

(3) Iraq is a nation with many ethnic, religious, sectarian, regional, and tribal divisions, and before Saddam Hussein, Iraqis from three different backgrounds were able to live and work together.

(4) The terrorists and insurgents are unable to stop Iraq's march toward freedom, democracy, and economic security.

(5) The Iraqi Council of Representatives' approval on April 22, 2006, of the Presidency Council consisting of Jalal Talabani as President and two Deputy Presidents, and the election of a Speaker and two Deputy Speakers is a significant step forward, as is the decision by the Iraqi political leadership to select Jawad al-Maliki as the Prime Minister designate.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) that Iraq has crossed another major milestone in its march toward freedom, democracy, and stability with the establishment of its first permanent democratically elected government that will chart the course for Iraq's future in a way denied to previous generations of Iraqis;

(2) to commend Iraq's new national leaders on their selection, and the Iraqi people, for another important milestone in their democratic evolution;

(3) to strongly encourage Iraq's leaders to seize this pivotal moment to—

(A) complete the formation of a government of national unity and expand support for the Iraq Constitution through amendments to the Iraq Constitution, implementing legislation that enjoys widespread support among all major parliamentary blocs, or both;

(B) pursue policies and actions that will defeat terrorists and insurgents, and promote stability;

(C) strengthen the economy, rebuild infrastructure, and provide jobs;

(D) select cabinet officials who reflect the diversity of the Iraqi people and who can deliver services to the Iraqi people and manage their ministries effectively and efficiently;

(E) form a national security council to improve government coordination on these and other difficult issues;

(F) ensure there is no place in a free and democratic Iraq for armed groups operating outside of the law;

(G) find and remove any local or national police leaders showing evidence of militia loyalties; and

(H) address critical issues such as the process known as de-Ba'athification, the operation of security ministries, and the distribution of oil revenues in a spirit of national unity;

(4) to acknowledge that progress is being made in Iraq and look to the Iraqi government to come to political solutions in a timely, evenhanded and inexorable manner;

(5) to recognize the magnificent performance of the United States Armed Forces and the coalition partners, and United States Government officials from many departments and agencies, as well as the sacrifices of their families at home; and

(6) to always honor the conduct and valor of those who have given life or limb in this noble mission and the families and loved ones who support them.

SA 3732. Mr. GRASSLEY (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 186, after line 22, add the following:

SEC. 2704. Of the funds made available under the heading ''Disaster Relief'' under the heading ''Federal Emergency Management Agency'' in chapter 5 of this title, $38,000,000 is hereby transferred to the Social Security Administration for necessary expenses and direct or indirect losses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount transferred by this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3733. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Before the period at the end of title VI (relating to pandemic flu), insert the following: '': *Provided further*, That $10,000,000 of such amount shall be for the development of a neuraminidase inhibitor as an antiviral therapy for seasonal and pandemic influenza, including all strains of avian influenza, that can be administered to patients parenterally: *Provided further*, That $10,000,000 of such amount shall be for the purchase of an automated high thoroughput molecular differential diagnosis system to assist in carrying

out domestic and global disease surveillance''.

SA 3734. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

BORDER SECURITY IN THE EL PASO SECTOR

SEC. ____. (a) ADDITIONAL AMOUNT FOR CONSTRUCTION.—The amount appropriated by this Act under the heading ''Construction'' under the heading ''Customs and Border Protection'' is increased by $20,000,000.

(b) AVAILABILITY.—Of the amount appropriated by this Act under the heading ''Construction'' under the heading ''Customs and Border Protection'', as increased by subsection (a), $20,000,000 to remain available until expended shall be available for the El Paso Sector to enhance tactical infrastructure.

(c) OFFSET.—Of the amount appropriated by title II of division D of the Consolidated Appropriations Act, 2005 (Public Law 108–447) under the heading ''Economic Support Fund'' for direct assistance for the West Bank and Gaza, $20,000,000, are rescinded.

SA 3735. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, between lines 12 and 13, insert the following:

RAMAPO RIVER AT OAKLAND FLOOD CONTROL PROJECT

For an additional amount for the Corps of Engineers for the completion of the Ramapo River at Oakland flood control project in the State of New Jersey, $445,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3736. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 172, strike lines 15 through 21 and insert the following: ''System'' for necessary expenses, $50,000,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.''

SA 3737. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE

SEC. 1312. (a) ADDITIONAL AMOUNT.—The amount appropriated by this chapter under the heading ''PROCUREMENT, DEFENSE-WIDE'' is hereby increased by $2,000,000.

(b) OFFSET.—The amount appropriated by chapter 5 of title II under the heading ''DISASTER RELIEF'' is hereby decreased by $2,000,000, with the amount of the reduction to be allocated to amounts available under that heading for operation costs of the Federal Emergency Management Agency.

SA 3738. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, line 20, after the colon, insert the following: ''Provided further, That notwithstanding any other provision of law, $5,500,000 shall be available for low-interest loans to businesses and individuals to assist in the recovery efforts resulting from the heavy rains and thunderstorms in Hawaii that began on February 20, 2006:''.

SA 3739. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 20, after ''Provided, That'', insert the following: ''notwithstanding any other provision of law, $27,800,000 of the amount shall be for the State of Hawaii, with $21,000,000 of the amount for assistance with repairs to Round Top Drive, $4,500,000 of the amount for public assistance for the State and counties in the State, and $2,300,000 of the amount for individual assistance and disaster loan programs: Provided further, That''.

SA 3740. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. FUNDING FOR PANDEMIC INFLUENZA VACCINE INJURY COMPENSATION.

For an additional amount for the ''Public Health and Social Services Emergency Fund'' to compensate individuals harmed by pandemic influenza vaccines, $289,000,000: *Provided,* That the amounts provided for under this section shall be designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 3741. Mr. LIEBERMAN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 238, line 25, insert ''through the Global Avian Influenza Network for Surveillance (GAINS) and other programs'' after ''global disease and surveillance''.

SA 3742. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 172, after line 21, add the following:

For an additional amount for the ''National Forest System'' for necessary expenses related to projects focused on reducing the risk of catastrophic fires and mitigating the effects of widespread insect infestations, $30,000,000: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3743. Mr. LEVIN (for himself, Ms. STABENOW, Mr. COLEMAN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SCREENING OF MUNICIPAL SOLID WASTE.

(a) FINDINGS.—Congress finds, based on the review of the Office of the Inspector General of the Department of Homeland Security of the effectiveness of screening by the Bureau of Customs and Border Protection of trucks carrying Canadian municipal solid waste, that—

(1) the Bureau does not have an effective method of screening and inspecting the 350 truckloads of municipal solid waste that enter the United States daily through the Detroit and Port Huron ports of entry;

(2) the effectiveness of technologies used as of the date of enactment of this Act to test for the presence of radiation in municipal solid waste is limited;

(3) visual presentation of vehicle and cargo inspection systems does not allow for easily distinguishing drugs, weapons, and other contraband in municipal solid waste; and

(4)(A) physical inspections of municipal solid waste are of limited value because it is difficult to thoroughly inspect compacted municipal solid waste to identify illegal cargo; and

(B) relatively few physical inspections are performed because the inspections are labor intensive.

(b) DEFINITIONS.—In this section:

(1) BUREAU.—The term '' Bureau'' means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term ''commercial motor vehicle'' has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term ''municipal solid waste'' includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste for the presence of chemical, nuclear, biological, and radiological weapons, as those methodologies and

technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport.

(d) IMPACT ON COMMERCIAL MOTOR VEHICLES.—The Secretary shall deny entry into the United States for any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport if—

(1) the Commissioner fails to submit the report under subsection (c);

(2) the report under subsection (c) fails to identify methodologies and technologies that could be feasibly and reasonably implemented by the Bureau to achieve the level of effectiveness in the screening of municipal solid waste described in subsection (c); or

(3)(A) the report under subsection (c) sufficiently identifies methodologies and technologies that could be feasibly and reasonably implemented by the Bureau to achieve the level of effectiveness in the screening of municipal solid waste described in that subsection; but

(B) the Commissioner fails to fully implement the actions identified in the report before date that is 90 days after the date on which the report is submitted.

SA 3744. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, line 19, insert after ''expended'' the following: '', of which $400,000 shall be made available for emergency repairs of the Federal project at Petoskey Harbor, Michigan, in order to repair damages due to storms that occurred during the fall of 2005 and the winter of 2006, which breached the breakwater, endangering local marine facilities and reducing the effectiveness of the only safe harbor between Charlevoix, Michigan, and Mackinaw City, Michigan''.

SA 3745. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

For an additional amount for the Substance Abuse and Mental Health Services Administration, $350,000 to expand the Wayne County, Michigan drug court program to include the use of partial agonist therapy and opiate antagonist therapy in providing addiction treatment.

SA 3746. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 167, beginning on line 7 strike '', notwithstanding'' and all that follows through ''(42 U.S.C. 5174)'' on line 9.

SA 3747. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

SEC. 7032. EMERGENCY ASSISTANCE FOR UNANTICIPATED INCREASES IN UTILITY RATES.

(a) PUBLIC HOUSING AGENCIES.—

(1) IN GENERAL.—To address unanticipated increases in utility rates, there are appropriated $250,000,000, to public housing agencies for the operation and management of public housing, as authorized under section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)).

(2) DISTRIBUTION OF FUNDS.—The Secretary of Housing and Urban Development shall reimburse a public housing agency for utility cost increases from funds made available under paragraph (1), upon submission of proof by the agency to the Secretary of such increases.

(b) SECTION 8 TENANT-BASED RENTAL ASSISTANCE.—

(1) IN GENERAL.—To address unanticipated increases in utility rates, there are appropriated $243,000,000, to be available to residents receiving tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(2) DISTRIBUTION OF FUNDS.—Public housing agencies administering tenant-based rental assistance under section 8 shall be entitled to additional funds made available under paragraph (1) to provide for utility allowance increases for section 8 participants upon submission of proof to the Secretary of such utility allowance cost increases.

(3) PAYMENT STANDARD.—The payment standard limitation under section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) may be exceeded without prior approval by the Secretary in instances where an increase in the utility allowance of a resident under paragraph (1) causes the assistance needs of that resident to rise above such limit.

(c) EMERGENCY DESIGNATION.—The amounts appropriated under subsections (a) and (b) are designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress).

SA 3748. Mr. SALAZAR (for himself, Mr. ALLARD, Mr. MCCONNELL, Mr. WYDEN, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

SENSE OF THE SENATE ON DESTRUCTION OF CHEMICAL WEAPONS

SEC. 7032. (a) The Senate makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the ''Chemical Weapons Convention''), requires all United States chemical weapons stockpiles be destroyed by April 29, 2012.

(2) On April 10, 2006, the Department of Defense notified Congress that the United States would not meet the deadline under the Chemical Weapons Convention for destruction of United States chemical weapons stockpiles.

(3) Destroying existing chemical weapons is a homeland security imperative, an arms control priority, and required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) It is the sense of the Senate that—

(1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpiles by the Chemical Weapons Convention deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under the Convention; and

(2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the United States chemical weapons stockpiles to prevent further delays in the destruction of such stockpiles, and the schedule should be submitted annually to the congressional defense committees separately or as part of another required report.

SA 3749. Ms. CANTWELL (for herself, Mr. BIDEN, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS

SEC. 1312. (a) FINDINGS.—Congress makes the following findings:

(1) The National Guard continues to provide invaluable resources to meet national security, homeland defense, and civil emergency mission requirements.

(2) Current military operations, transnational threats, and domestic emergencies will increase the use of the National Guard for both military support to civilian authorities and to execute the military strategy of the United States.

(3) To meet the demand for certain types of equipment for continuing United States military operations, the Army has required Army National Guard Units to leave behind many items for use by follow-on forces.

(4) The Governors of every State and 2 Territories expressed concern in February 2006 that units returning from deployment overseas without adequate equipment would have trouble carrying out their homeland security and domestic disaster duties.

(5) The Department of Defense estimates that it has directed the Army National Guard to leave overseas more than 75,000 items valued at approximately $1,760,000,000 to support Operation Enduring Freedom and Operation Iraqi Freedom.

(6) Department of Defense Directive 1225.6 requires a replacement and tracking plan be developed within 90 days for equipment of the reserve components of the Armed Forces that is transferred to the active components of the Armed Forces.

(7) In October 2005, the Government Accountability Office found that the Department of Defense can only account for about 45 percent of such equipment and has not developed a plan to replace such equipment.

(8) The Government Accountability Office also found that without a completed and implemented plan to replace all National Guard equipment left overseas, Army National Guard units will likely face growing equipment shortages and challenges in regaining readiness for future missions.

(b) REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS.—

(1) IN GENERAL.—Chapter 1007 of title 10, United States Code, is amended by inserting after section 10208 the following new section:

"§ 10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units

''(a) REPORT REQUIRED ON WITHDRAWAL OR DIVERSION OF EQUIPMENT.—Not later than 90 days after withdrawing or diverting equipment from a unit of the Reserve to a unit of the Reserve being ordered to active duty under section 12301, 12302, or 12304 of this title, or to a unit or units of a regular component of the armed forces, for purposes of the discharge of the mission of such unit or units, the Secretary concerned shall submit to the Secretary of Defense a report on the withdrawal or diversion of equipment.

''(b) ELEMENTS.—Each report under subsection (a) on equipment withdrawn or diverted shall include the following:

''(1) A plan to replace such equipment within the unit from which withdrawn or diverted.

''(2) If such equipment is to remain in a theater of operations while the unit from which withdrawn or diverted returns to the United States, a plan to provide such unit with replacement equipment appropriate to ensure the continuation of the readiness training of such unit.

''(3) A signed memorandum of understanding between the active or reserve component to which withdrawn or diverted and the reserve component from which withdrawn or diverted that specifies—

''(A) how such equipment will be tracked by the unit or units to which withdrawn or diverted; and

''(B) when such equipment will be returned to the unit from which withdrawn or diverted.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by inserting after the item relating to section 10208 the following new item:

''10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units.''.

SA 3750. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, strike lines 1 through 10 and insert the following:

$7,250,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, shall use $3,500,000 to develop a comprehensive plan, at full Federal expense, that, at a minimum, will deauthorize deep draft navigation on the Mississippi River Gulf Outlet established by Public Law 84–455 (70 Stat. 65, chapter 112) (referred to in this matter as the ''Outlet)'', extending from the Gulf of Mexico to the Gulf Intracoastal Waterway, and address wetland losses attributable to the Outlet, channel bank erosion, hurricane and storm protection, saltwater intrusion, navigation, ecosystem restoration, and related issues: *Provided further*, That the plan shall include recommended authorization modifications to the Outlet regarding what, if any, navigation should continue, measures to provide hurricane and storm protection, prevent saltwater intrusion, and re-establish the storm buffering properties and ecological integrity of the wetland damaged by construction and operation of the Outlet, and complement restoration of coastal Louisiana: *Provided further*, That the Secretary shall develop the plan in consultation with the Parish of St. Bernard, Louisiana, the State of Louisiana, the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the National Academy of Sciences: *Provided further*, That the Secretary shall seek input, review, and comment from the public and the scientific community on the plan: *Provided further*, That the Secretary shall ensure that an independent panel of experts established by the National Academy of Sciences reviews and provides written comments on the proposed plan: *Provided further*, That, not later than 1 year after the date of enactment of this Act, the Secretary shall submit an interim report to Congress comprising the plan, the written comments of the independent panel of experts, and the written explanation of the Secretary for any recommendation of the independent panel of experts not adopted in the plan: *Provided further*, That the Secretary shall refine the plan, if necessary, to be fully consistent, integrated, and included in the final technical report to be issued in December 2007 pursuant to the matter under the heading ''INVESTIGATIONS'' under the heading ''CORPS OF ENGINEERS—CIVIL'' of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103, 119 Stat. 2247; Public Law 109–148, 119 Stat. 2814): *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 05 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That, of the amount made available under this heading, $3,750,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to Congress.

SA 3751. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES'', insert the following:

CLOSURES AND REPAIRS OF LEVEES, LOUISIANA

For an additional amount for flood control and coastal emergencies for the State of Louisiana, $473,000,000, to remain available until expended for use for closures and pump stations for interior drainage canals, navigable closures on the Industrial Canal and Gulf Intracoastal Waterway, repairs for non-Federal levees in Terrebonne Parish, incorporation of the West Bank and East Bank non-Federal levees in Plaquemines Parish, and additional levee armoring: *Provided*, That not less than $4,000,000 of that amount shall be used for the Comite River Diversion flood control project authorized by section 101(11) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802): *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3752. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 178, after line 21, add the following:

ECONOMIC DEVELOPMENT ADMINISTRATION

For an additional amount for the mitigation of increased costs resulting from the loss of deep draft navigation access to certain facilities at the Port of New Orleans in the aftermath of Hurricane Katrina, $8,500,000, to remain available until September 30, 2007, to be provided by the Secretary of Commerce, acting through the Assistant Secretary for Economic Development, to the Port of New Orleans in the form of a grant: *Provided*, That the Secretary shall administer the grant under this section in accordance with section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149): *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3753. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 198, line 18, strike ''Provided further, That'' and all that follows through ''assistance:'' on page 199, line 1, and insert the following: ''Provided further, That no less than $100,000,000 shall be made available as project-based assistance used to support the reconstruction, rebuilding, and repair of assisted housing that suffered the consequences of Hurricane Katrina and other hurricanes of the 2005 season or new structures supported under the low income tax credit program: Provided further, That previously assisted HUD project-based housing and residents of such housing shall be accorded a preference in the use of such project-based assistance, except that such funds shall be made available for 4,500 project-based vouchers for supportive housing units for persons with disabilities, as that term is defined in section 422(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11382(2)), elderly families, or previously homeless individuals and families: Provided further, That the limitation contained in section 8(o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)) shall not apply to such funds:''

SA 3754. Mr. DURBIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for

the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADDITIONAL AMOUNTS FOR FIREFIGHTER ASSISTANCE GRANTS TO ADDRESS THE 9/11 COMMISSION'S FINDINGS.

For an additional amount for ''Firefighter Assistance Grants'' under ''Preparedness and Recovery'' for the Department of Homeland Security, $100,000,000 for Firefighter Assistance Grants in high-risk areas for communications connectivity compliant with the interoperable communication plan of the relevant city or State.

SA 3755. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 2 and 3, insert the following:

TITLE VII

ELECTION REFORM

ELECTION ASSISTANCE COMMISSION

ELECTION REFORM PROGRAMS

For necessary expenses to carry out a program of requirements payments to States as authorized by section 257 of the Help America Vote Act of 2002, $724,000,000, to remain available until expended: *Provided further,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DISABLED VOTER SERVICES

For necessary expenses to carry out programs as authorized by the Help America Vote Act of 2002, $74,000,000, to remain available until expended: *Provided further,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3756. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE

SEC. 1312. (a) MODIFICATION OF ELIGIBILITY.—Section 910(b)(1) of title 37, United States Code, is amended by striking ''18 continuous months of service'' and inserting ''six continuous months of service''.

(b) FUNDING.—

(1) ADDITIONAL AMOUNT FOR MILITARY PERSONNEL.—The aggregate amount appropriated by this chapter under the heading ''MILITARY PERSONNEL'' is hereby increased by $27,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(2) AVAILABILITY.—Of the amounts appropriated by this chapter under the heading ''MILITARY PERSONNEL'', as increased by paragraph (1), $27,000,000 shall be available in fiscal year 2006 for the payment of income replacement payments for Reserves experiencing extended and frequent mobilization for active duty service under section 910 of title 37, United States Code, as a result of the amendment made by subsection (a).

SA 3757. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

NEXT GENERATION PROTECTIVE GEAR FOR SMALL-ARMS AND BIOTERRORISM THREATS TO TROOPS

SEC. 1312. (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount appropriated by this chapter under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'' is hereby increased by $10,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', as increased by subsection (a), $10,000,000 shall be available for grants to research institutions of higher education for research and development on next generation protective gear for small-arms threats and bioterrorism threats to troops.

SA 3758. Mr. SCHUMER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MEASURES TO ADDRESS PRICE GOUGING AND MARKET MANIPULATION.

(a) FEDERAL TRADE COMMISSION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''FEDERAL TRADE COMMISSION SALARIES AND EXPENSES'' under the heading ''RELATED AGENCIES'' of title V of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), $10,000,000.

(2) USE.—Of the amount appropriated for ''FEDERAL TRADE COMMISSION SALARIES AND EXPENSES'', as increased by paragraph (1), $10,000,000 shall be available to investigate and enforce price gouging complaints and other market manipulation activities by companies engaged in the wholesale and retail sales of gasoline and petroleum distillates.

(b) COMMODITY FUTURES TRADING COMMISSION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''COMMODITY FUTURES TRADING COMMISSION'' under the heading ''RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION'' of title VI of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109–97), $10,000,000.

(2) USE.—Of the amount appropriated for ''COMMODITY FUTURES TRADING COMMISSION'', as increased by paragraph (1), $10,000,000 shall be available for activities—

(A) to enhance investigation of energy derivatives markets;

(B) to ensure that speculation in those markets is appropriate and reasonable; and

(C) for data systems and reporting programs that can uncover real-time market manipulation activities.

(c) SECURITIES AND EXCHANGE COMMISSION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES '' under the heading ''RELATED AGENCIES'' of title V of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), $5,000,000.

(2) USE.—Of the amount appropriated for ''SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES'', as increased by paragraph (1), $5,000,000 shall be available for review and analysis of major integrated oil and gas company reports and filings for compliance with disclosure, corporate governance, and related requirements.

(d) ENERGY INFORMATION ADMINISTRATION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY INFORMATION ADMINISTRATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $10,000,000.

(2) USE.—Of the amount appropriated for ''ENERGY INFORMATION ADMINISTRATION'', as increased by paragraph (1), $10,000,000 shall be available for activities to ensure real-time and accurate gasoline and energy price and supply data collection.

(e) ENERGY SUPPLY AND CONSERVATION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $315,000,000.

(2) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by paragraph (1), $315,000,000 shall be available to provide grants to State energy offices for—

(A) the development and deployment of real-time information systems for energy price and supply data collection and publication;

(B) programs and systems to help discover energy price gouging and market manipulation;

(C) critical energy infrastructure protection;

(D) clean distributed energy projects that promote energy security; and

(E) programs to encourage the adoption and implementation of energy conservation and efficiency technologies and standards.

(f) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''SALARIES AND EXPENSES'' under the heading ''GOVERNMENT ACCOUNTABILITY OFFICE'' of title I of the Legislative Branch Appropriations Act, 2006 (Public Law 109–55), $50,000.

(2) USE.—Of the amount appropriated for ''SALARIES AND EXPENSES'', as increased by paragraph (1), $50,000 shall be available to the Government Accountability for the preparation of a report, to be submitted to the appropriate committees of Congress not later than 90 days after the date of enactment of this Act, that includes—

(A) a review of the mergers between Exxon and Mobil, Chevron and Texaco, and Conoco and Phillips, and other mergers of significant or comparable scale in the oil industry

that have occurred since 1990, including an assessment of the impact of the mergers on—

(i) market concentration;

(ii) the ability of the companies to exercise market power;

(iii) wholesale prices of petroleum products; and

(iv) the retail prices of petroleum products;

(B) an assessment of the impact that vitiating the mergers reviewed under subparagraph (A) would have on each of the matters described in clauses (i) through (iv) of subparagraph (A);

(C) an assessment of the impact of prohibiting any 1 company from simultaneously owning assets in each of the oil industry sectors of exploration, refining and distribution, and retail on each of the matters described in clauses (i) through (iv) of subparagraph (A);

(D) an assessment of—

(i) the effectiveness of divestitures ordered by the Federal Trade Commission in preventing market concentration as a result of oil industry mergers approved since 1995; and

(ii) the effectiveness of the Federal Trade Commission in identifying and preventing—

(I) market manipulation;

(II) commodity withholding;

(III) collusion; and

(IV) other forms of market power abuse in the oil industry; and

(E) an assessment of—

(i) whether any of the 5 largest oil companies in the United States have taken any actions to exert influence on independent or franchise retail gasoline stations to discourage or prohibit the installation of storage tanks and pumps capable of storing and dispensing E85 gasoline; and

(ii) whether the actions described in clause (i) would be considered anticompetitive.

(g) EMERGENCY DESIGNATION.—The amounts provided under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3759. Mr. LEVIN (for himself, Ms. STABENOW, Mr. DEWINE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 235, between lines 19 and 20, insert the following:

SEC. 3065. EMERALD ASH BORER.

The Secretary shall use $15,000,000 of funds of the Commodity Credit Corporation to carry out activities for the eradication of the emerald ash borer in the States of Michigan, Ohio, and Indiana.

SA 3760. Mr. BIDEN (for himself, Mr. LUGAR, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 11, insert after the colon the following: ''*Provided further*, That the Secretary shall submit, at the same time as the report required by the previous proviso, a report to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives summarizing the quantity and type of assistance provided to the security forces of Afghanistan during the previous fiscal quarter:''.

On page 101, line 8, insert after the colon the following: ''*Provided further*, That the Secretary shall submit, at the same time as the report required by the previous proviso, a report to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives summarizing the quantity and type of assistance provided to the security forces of Iraq during the previous fiscal quarter:''.

SA 3761. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

CONTRACT AUTHORITY

SEC. 70____. (a) Section 1940 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1511) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) by striking ''$10,000,000'' each place that it appears and inserting ''$12,500,000''; and

(2) by adding at the end the following:

''(c) CONTRACT AUTHORITY.—Except as otherwise provided in this section, funds authorized to be appropriated under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.''.

(b) Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $50,000,000 is rescinded.

SA 3762. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM

SEC. 1406. (a) IN GENERAL.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—

(1) REPORT REQUIRED.—Utilizing funds appropriated by this Act and available for the intelligence and intelligence-related activities of the United States Government in an amount not to exceed $100,000, the Director of National Intelligence shall, not later than 60 days after the date of the enactment of this Act, provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) ELEMENTS.—The report required by paragraph (1) shall set forth, for each prison or facility, if any, covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility and a determination, in coordination with other appropriate officials, on whether such procedures are or were in compliance with United States obligations under the Geneva Conventions and the Convention Against Torture.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

SA 3763. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM

SEC. 1406. (a) IN GENERAL.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—

(1) REPORT REQUIRED.—Utilizing funds appropriated by this Act and available for the intelligence and intelligence-related activities of the United States Government in an amount not to exceed $100,000, the Director of National Intelligence shall, not later than 60 days after the date of the enactment of this Act, provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) ELEMENTS.—The report required by paragraph (1) shall set forth, for each prison or facility, if any, covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility and a determination, in coordination with other appropriate officials, on whether such procedures are or were in compliance with United States obligations under the Geneva Conventions and the Convention Against Torture.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

SA 3764. Mr. KERRY (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, line 7, insert ''That from that amount, funds shall be made available for a summit, to be convened by the President not later than 30 days after the date of the formation of the new Government of Iraq, that includes leaders of such Government, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organisation, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council for the purpose of reaching a comprehensive political agreement for Iraq that addresses security guarantees, federalism, oil revenues, militias, reconstruction efforts, and border security: *Provided further*,'' after ''*Provided*''.

SA 3765. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, line 7, insert ''That from that amount, funds shall be made available for a summit, to be convened by the President not later than 30 days after the date of the formation of the new Government of Iraq, that includes leaders of such Government, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organisation, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council for the purpose of reaching a comprehensive political agreement for Iraq that addresses security guarantees, federalism, oil revenues, militias, reconstruction efforts, and border security: *Provided further*,'' after ''*Provided*''.

SA 3766. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

WITHDRAWAL OF TROOPS FROM IRAQ

SEC. ____. (a) The President shall withdraw the United States Armed Forces from Iraq at the earliest practicable date if a national unity government is not formed in Iraq by May 22, 2006.

(b) If a national unity government is formed in Iraq by May 22, 2006—

(1) the President shall reach an agreement as soon as possible with such national unity government on a schedule for the withdrawal of United States combat troops from Iraq by December 31, 2006, leaving only forces that are critical to completing the mission of standing up Iraqi security forces; and

(2) the President shall consult with Congress regarding such schedule and shall present such withdrawal agreement to Congress immediately upon the completion of the agreement.

(c) The President should maintain an over-the-horizon troop presence to prosecute the war on terror and protect regional security interests.

SA 3767. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

WITHDRAWAL OF TROOPS FROM IRAQ

SEC. ____. (a) The President shall withdraw the United States Armed Forces from Iraq at the earliest practicable date if a national unity government is not formed in Iraq by May 22, 2006.

(b) If a national unity government is formed in Iraq by May 22, 2006—

(1) the President shall reach an agreement as soon as possible with such national unity government on a schedule for the withdrawal of United States combat troops from Iraq by December 31, 2006, leaving only forces that are critical to completing the mission of standing up Iraqi security forces; and

(2) the President shall consult with Congress regarding such schedule and shall present such withdrawal agreement to Congress immediately upon the completion of the agreement.

(c) The President should maintain an over-the-horizon troop presence to prosecute the war on terror and protect regional security interests.

SA 3768. Mr. KENNEDY (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ____. In using funds appropriated under Public Law 109–149 for grants under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) for fiscal year 2006, the Secretary of Labor shall award the grants, beginning in July 2006, on the basis of the Program Year 2005 Planning Instructions and Allotments for All Applicants (and attachments to the instructions), as specified in the Training and Employment Guidance Letter No. 37–04, issued on June 30, 2005.

SA 3769 Mr. DOMENICI (for himself and Mr. REID) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 158, line 23, strike all through page 162, Line 12, and insert the following:

For an additional amount for ''Investigations'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $45,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That using $20,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed, at full Federal expense, to inventory all Federal and non-Federal flood and storm damage reduction projects; develop and test a methodology to assess the structural and operational integrity of such projects and the associated risks; and establish and maintain a database of such projects, which shall include information on the structural and operational integrity of the projects and the parties responsible for operation and maintenance of the projects included therein: Provided further, That $25,000,000 of the funds provided herein shall be used for Louisiana Coastal Area Restoration studies.

For an additional amount for ''Investigations'' for flood hazard analyses and technical studies related to the consequences of Hurricane Katrina and other disasters, $2,500,000 to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for disaster and other emergency needs, of which up to $1,000,000 is for Flood Plain Management Services for flood Hazard and hydrologic investigations in flood prone areas of Hawaii; up to $1,250,000 is for the Delta Islands and Levee study in California; and $250,000 is for completion of the CALFED 180-day levee study: Provided further, That the amount shall be available for the studies identified above and only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $595,300,000, to remain available until expended, of which up to $100,000,000 may be used to reduce the risk of storm damage to the greater New Orleans metropolitan area, at full federal expense, by restoring the surrounding wetlands through measures to begin to reverse wetland losses in areas affected by navigation, oil and gas, and other channels and through modification of the Caernarvon Freshwater Diversion structure or its operations; at least $495,300,000 shall be used consistent with the cost-sharing provisions under which the projects were originally constructed to raise levee heights where necessary and otherwise enhance the existing Lake pontchartrain and Vicinity project and the existing West Bank and Vicinity project to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction: Provided, That any project using funds appropriated herein shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary of the Army to pay 100 percent of the operation, maintenance, repair, replacement and rehabilitation costs of the project and to hold and save the United

States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That Congress designates this amount as an emergency requirement for these specific purposes: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for Construction'' for necessary expenses related to other disasters, $39,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for disaster and other emergency needs, of which up to $7,100,000 is for South Sacramento Streams, California; up to $23,300,000 is for the Sacramento River Bank Protection, California; up to $5,100,000 is for American River (Common Features), California; up to $1,500,000 is for North Padre Island, Texas; and up to $2,000,000 shall be provided at full Federal expense for the Hawaii water systems technical assistance program: Provided further, That the amount shall be available for the projects identified above and only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

OPERATIONS AND MAINTENANCE

For an additional amount for ''Operations and Maintenance'' to dredge navigation channels and repair other Corps projects related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, 3,200,000 to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for dredging needs along the Texas gulf coast, of which up to $2,000,000 is for Freeport Harbor, Texas; and up to $1,200,000 is for Texas City, Texas: Provided further, That the amount shall be available only for the projects identified above and to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies,'' as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,099,000,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use the funds appropriated herein to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; of the funds provided herein, $530,000,000 shall be used to modify the 17th Street, Orleans Avenue and London Avenue drainage canals, and install pumps and closure structures at or near the lakefront; $250,000,000 shall be used for storm-proofing interior pump stations to ensure their operability during hurricanes, storms and high water events; $170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $350,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $215,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate them into the existing New Orleans to Venice hurricane protection project; and $1,584,000,000 shall be used for reinforcing or replacing floodwalls, where necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the systems' performance: Provided further, That any project using funds appropriated herein shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for ''Flood Control and Coastal Emergencies, '' as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to this and other disasters, $17,500,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for restoration of funds for hurricane damaged projects in Pennsylvania: Provided further, That the amount shall be available for the projects identified above and only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

SA 3770. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

ACTIVITIES AND EXPORTS INVOLVING HYDROCARBON RESOURCES

SEC. 7_____. (a) Congress finds that—

(1) the United States is the largest oil importer in the world;

(2) the Federal Government predicts that, by 2025, 68 percent of the oil used in the United States will be imported;

(3) ⅔ of the oil reserves of the world are located in the politically unstable Middle East and are controlled by members of the Organization of Petroleum Exporting Countries;

(4) global fuel consumption is projected to increase by 100 percent to 150 percent during the next 20 years, driven largely by the Chinese and Indian economies;

(5) that increased demand for fuel—

(A) will place the United States in ever-greater competition for oil and gas resources; and

(B) may result in an extension of Chinese involvement in developing Cuban oil and gas reserves to within a few miles of the coastline of the United States;

(6) the United States adheres to the principle that, in a case in which the exclusive economic zone of the United States is contiguous to the exclusive economic zone of another country, a point equidistant to the maritime baselines of the 2 countries demarcates the exclusive economic zone of each;

(7) an example of the application of the principle described in paragraph (6) is that the exclusive economic zone of Cuba extends to within—

(A) 52 miles of the Florida Keys at—

(i) south of 24 degrees north latitude; and

(ii) east of -81 degrees west longitude; and

(B) 85.4 miles of the Florida peninsula at—

(i) south of 24 degrees north latitude; and

(ii) east of -81 degrees west longitude;

(8) Cubapetroleo, the state oil company of Cuba, recently—

(A) signed an oil production sharing agreement with the China Petroleum and Chemical Corporation; and

(B) purchased 3 deep-water drilling rigs from that Chinese state enterprise for use in the exclusive economic zone of Cuba;

(9) the exclusive economic zone of Cuba in the Gulf of Mexico is a 112,000-square-kilometer area that has been divided into 59 exploration blocks, each of which is approximately 2,000 square kilometers and an average depth of 2,000 meters (except that some of those blocks have a depth of as great as 4,000 meters);

(10) the northernmost of the exploration blocks described in paragraph (9) are located off the southwest coast of the State of Florida;

(11) a United States Geological Survey report entitled ''Assessment of Undiscovered Oil and Gas Resources of the North Cuba Basin 2004'' estimated that between 1,000,000,000 and 9,300,000,000 barrels of undiscovered oil and between 1,900,000,000,000 and 22,000,000,000,000 cubic feet of undiscovered natural gas along the northern coast of Cuba;

(12) the national security strategy of the President recognizes the increasing resource needs of China by stating that China is ''expanding trade, but acting as if they can somehow lock up energy supplies around the world or seek to direct markets rather than opening them up.'';

(13) the United States embargo on Cuba prohibits United States companies from engaging in the exploration or extraction of hydrocarbon resources from the exclusive economic zone of Cuba;

(14) United States oil and gas industries are the world's leaders in the efficient and environmentally-safe extraction of oil and gas resources from marine deposits; and

(15) it is in the energy, national security, and environmental interests of the United States that the oil and gas companies of the United States be permitted to operate in the foreign exclusive economic zones that is contiguous to the exclusive economic zone of the United States.

(b) The purpose of this section is to permit United States companies to participate in the exploration for and the extraction of hydrocarbon resources from any portion of a foreign maritime exclusive economic zone that is contiguous to the exclusive economic zone of the United States.

(c) Notwithstanding any other provision of law (including a regulation), United States

companies (including agents and affiliates of those companies) may—

(1) engage in any transaction necessary for the exploration for and extraction of hydrocarbon resources from any portion of any foreign exclusive economic zone that is contiguous to the exclusive economic zone of the United States; and

(2) export without license authority all equipment necessary for the exploration for or extraction of hydrocarbon resources described in paragraph (1).

(d) Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209) is amended by inserting after subsection (b) the following:

''(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES BY PERSONS ENGAGING IN HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.—

''(1) IN GENERAL.—The Secretary of the Treasury shall, authorize under a general license the travel-related transactions listed in section 515.560(c) of title 31, Code of Federal Regulations, for travel to, from or within Cuba in connection with exploration for and the extraction of hydrocarbon resources in any part of a foreign maritime Exclusive Economic Zone that is contiguous to the United States' Exclusive Economic Zone.

''(2) PERSONS AUTHORIZED.—Persons authorized to travel to Cuba under this section include full-time employees, executives, agents, and consultants of oil and gas producers, distributors, and shippers.''.

SA 3771. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, line 11, insert ''and the Committee on Health, Education, Labor, and Pensions of the Senate'' after ''propriations''.

On page 248, line 2, insert ''and the Committee on Health, Education, Labor, and Pensions of the Senate'' after ''Appropriations''.

SA 3772. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

DEMOCRACY PROGRAMS AND ACTIVITIES IN IRAN

SEC. 7032. (a) Congress makes the following findings:

(1) The people of the United States have long demonstrated an interest in the well-being of the people of Iran, dating back to the 1830s.

(2) Famous Americans such as Howard Baskerville, Dr. Samuel Martin, Jane E. Doolittle, and Louis G. Dreyfus, Jr., made significant contributions to Iranian society by furthering the educational opportunities of the people of Iran and improving the opportunities of the less fortunate citizens of Iran.

(3) Iran and the United States were allies following World War II, and through the late 1970s Iran was as an important regional ally of the United States and a key bulwark against Soviet influence.

(4) In November 1979, following the arrival of Mohammed Reza Shah Pahlavi in the United States, a mob of students and extremists seized the United States Embassy in Tehran, Iran, holding United States diplomatic personnel hostage until January 1981.

(5) Following the seizure of the United States Embassy, Ayatollah Ruhollah Khomeini, leader of the repressive revolutionary movement in Iran, expressed support for the actions of the students in taking American citizens hostage.

(6) Despite the presidential election of May 1997, an election in which an estimated 91 percent of the electorate participated, control of the internal and external affairs of the Islamic Republic of Iran is still exercised by the courts in Iran and the Revolutionary Guards, Supreme Leader, and Council of Guardians of the Government of Iran.

(7) The election results of the May 1997 election and the high level of voter participation in that election demonstrate that the people of Iran favor economic and political reforms and greater interaction with the United States and the Western world in general.

(8) Efforts by the United States to improve relations with Iran have been rebuffed by the Government of Iran.

(9) The Clinton Administration eased sanctions against Iran and promoted people-to-people exchanges, but the Leader of the Islamic Revolution Ayatollah Ali Khamenei, the Militant Clerics' Society, the Islamic Coalition Organization, and Supporters of the Party of God have all opposed efforts to open Iranian society to Western influences and have opposed efforts to change the dynamic of relations between the United States and Iran.

(10) For the past two decades, the Department of State has found Iran to be the leading sponsor of international terrorism in the world.

(11) In 1983, the Iran-sponsored Hezbollah terrorist organization conducted suicide terrorist operations against United States military and civilian personnel in Beirut, Lebanon, resulting in the deaths of hundreds of Americans.

(12) The United States intelligence community and law enforcement personnel have linked Iran to attacks against American military personnel at Khobar Towers in Saudi Arabia in 1996 and to al Qaeda attacks against civilians in Saudi Arabia in 2004.

(13) According to the Department of State's Patterns of Global Terrorism 2001 report, ''Iran's Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security continued to be involved in the planning and support of terrorist acts and supported a variety of groups that use terrorism to pursue their goals,'' and ''Iran continued to provide Lebanese Hizballah and the Palestinian rejectionist groups—notably HAMAS, the Palestinian Islamic Jihad, and the [Popular Front for the Liberation of Palestine-General Command]—with varying amounts of funding, safehaven, training and weapons''.

(14) Iran currently operates more than 10 radio and television stations broadcasting in Iraq that incite violent actions against United States and coalition personnel in Iraq.

(15) The current leaders of Iran, Ayatollah Ali Khamenei and Hashemi Rafsanjani, have repeatedly called upon Muslims to kill Americans in Iraq and install a theocratic regime in Iraq.

(16) The Government of Iran has admitted pursuing a clandestine nuclear program, which the United States intelligence community believes may include a nuclear weapons program.

(17) The Government of Iran has failed to meet repeated pledges to arrest and extradite foreign terrorists in Iran.

(18) The United States Government believes that the Government of Iran supports terrorists and extremist religious leaders in Iraq with the clear intention of subverting coalition efforts to bring peace and democracy to Iraq.

(19) The Ministry of Defense of Iran confirmed in July 2003 that it had successfully conducted the final test of the Shahab-3 missile, giving Iran an operational intermediate-range ballistic missile capable of striking both Israel and United States troops throughout the Middle East and Afghanistan.

(b) Congress declares that it should be the policy of the United States—

(1) to support efforts by the people of Iran to exercise self-determination over the form of government of their country; and

(2) to actively support a national referendum in Iran with oversight by international observers and monitors to certify the integrity and fairness of the referendum.

(c)(1) The President is authorized, notwithstanding any other provision of law, to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance includes funding for—

(A) the Broadcasting Board of Governors for efforts to cultivate and support independent broadcasters that broadcast into Iran;

(B) cultural and student exchanges;

(C) the promotion of human rights and civil society activities in Iran; and

(D) assistance to student organizations, labor unions, and trade associations in Iran.

(2) It is the sense of Congress that financial and political assistance under this section be provided to an individual, organization, or entity that—

(A) opposes the use of terrorism;

(B) advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(C) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(D) is dedicated to respect for human rights, including the fundamental equality of women;

(E) works to establish equality of opportunity for people; and

(F) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(3) The President may provide assistance under this subsection using amounts made available pursuant to the authorization of appropriations under paragraph (7).

(4) Not later than 15 days before each obligation of assistance under this subsection, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(5) It is the sense of Congress that in order to ensure maximum coordination among Federal agencies, if the President provides the assistance under this section, the President should appoint an individual who shall—

(A) serve as special assistant to the President on matters relating to Iran; and

(B) coordinate among the appropriate directors of the National Security Council on issues regarding such matters.

(6) It is the sense of Congress that—

(A) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(B) representatives of the Government of Iran should be denied access to all United States Government buildings;

(C) efforts to bring a halt to the nuclear weapons program of Iran, including steps to end the supply of nuclear components or fuel to Iran, should be intensified, with particular attention focused on the cooperation regarding such program—

(i) between the Government of Iran and the Government of the Russian Federation; and

(ii) between the Government of Iran and individuals from China, Malaysia, and Pakistan, including the network of Dr. Abdul Qadeer (A. Q.) Khan; and

(D) officials and representatives of the United States should—

(i) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(ii) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(7) There is authorized to be appropriated to the Department of State $100,000,000 to carry out activities under this subsection.

(d) Not later than 15 days before designating a democratic opposition organization as eligible to receive assistance under subsection (b), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives of the proposed designation. The notification may be in classified form.

(e)(1) Of the amount appropriated by chapter 2 of title I under the heading ''DEPARTMENT OF STATE AND RELATED AGENCY'', excluding funds appropriated for Educational and Cultural Exchange Programs and Public Diplomacy Programs, $42,750,000 shall be available for the Broadcasting Board of Governors for democracy programs and activities in Iran.

(2) Of the amount appropriated by chapter 4 of title I, $47,250,000 shall be made available for the Democracy Fund for democracy programs and activities in Iran.

SA 3773. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—GAS PRICE REDUCTION

SEC. 8000. SHORT TITLE.

This title may be cited as the ''Gas Price Reduction Act of 2006''.

Subtitle A—Temporary Reduction in Highway Fuel Tax Rate

SEC. 8101. REDUCTION IN HIGHWAY FUEL TAX AND MAINTENANCE OF HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline, diesel fuel, and kerosene) is amended by adding at the end the following new subsection:

''(f) TEMPORARY REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, AND KEROSENE.—

''(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced to zero cents per gallon.

''(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

''(A) clause (i) and (iii) of subsection (a)(2)(A) (relating to gasoline, diesel fuel, and kerosene), determined without regard to subparagraph (B) or (C) of subsection (a)(2), and

''(B) paragraph (1) of section 4041(a) (relating to diesel fuel) with respect to fuel sold for use or used in a diesel-powered highway vehicle.

''(3) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the period beginning after the date of the enactment of the Gas Price Reduction Act of 2006, and ending before October 1, 2006.

''(4) MAINTENANCE OF TRUST FUND DEPOSITS.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503, an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 8102. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before a tax reduction date, a tax referred to in section 4081(f)(2) of the Internal Revenue Code of 1986 has been imposed on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale, there shall be credited (without interest) to the person who paid such tax (hereafter in this section referred to as the ''taxpayer''), against the taxpayer's subsequent semi-monthly deposit of such tax, an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(b) CERTIFICATION NECESSARY TO FILE CLAIM FOR CREDIT.—

(1) IN GENERAL.—In any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date, no credit amount with respect to such liquid shall be allowed to the taxpayer under subsection (a) unless the taxpayer files with the Secretary—

(A) a certification that the taxpayer has given a credit to such dealer with respect to such liquid against the dealer's first purchase of liquid from the taxpayer subsequent to the tax reduction date, and

(B) a certification by such dealer that such dealer has given a credit to a succeeding dealer (if any) with respect to such liquid against the succeeding dealer's first purchase of liquid from such dealer subsequent to the tax reduction date.

(2) REASONABLENESS OF CLAIMS CERTIFIED.—Any certification made under paragraph (1) shall include an additional certification that the claim for credit was reasonable based on the taxpayer's or dealer's past business relationship with the succeeding dealer.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer, and

(2) the term ''tax reduction date'' means the day after the date of the enactment of this Act.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 8103. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax would have been imposed under section 4081 of the Internal Revenue Code of 1986 during the applicable period but for the amendments made by this title, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the tax which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before the date which is 6 months after the floor stocks tax date.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as ''held by a person'' if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) GASOLINE, DIESEL FUEL, AND AVIATION FUEL.—The terms ''gasoline'' and ''diesel fuel'' have the respective meanings given such terms by sections 4083 of such Code.

(3) FLOOR STOCKS TAX DATE.—The term ''floor stocks tax date'' means October 1, 2006.

(4) APPLICABLE PERIOD.—The term ''applicable period'' has the meaning given such term by section 4081(f)(3) of such Code.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, kerosene, or aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on gasoline, diesel fuel, or kerosene held in the tank of a motor vehicle.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline held on the floor stocks tax date by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or kerosene held on such date by any person if the aggregate amount of diesel fuel or kerosene held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subsection.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of this subparagraph shall apply to

a group of persons under common control where 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this section, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081.

SEC. 8104. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the reduction in taxes under this title, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this title.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States and the Attorney General of the United States shall conduct a study of the reduction of taxes under this title to determine whether there has been a passthrough of such reduction.

(B) REPORT.—Not later than June 30, 2006, the Comptroller General of the United States and the Attorney General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

Subtitle B—Suspension of Royalty Relief and Certain Incentives

SEC. 8201. SUSPENSION OF ROYALTY RELIEF.

(a) NEW LEASES.—

(1) REQUIREMENT.—The Secretary of the Interior (referred to in this title as the ''Secretary'') shall suspend the application of any provision of Federal law under which a person would otherwise be provided relief from a requirement to pay a royalty for the production of oil or natural gas from Federal land (including submerged land) occurring on or after the date of enactment of this Act during a period in which—

(A) for the production of oil, the average price of crude oil in the United States during the 4-week period immediately preceding the suspension is greater than $35.86 per barrel; and

(B) for the production of natural gas, the average wellhead price of natural gas in the United States during the 4-week period immediately preceding the suspension is greater than $4.48 per 1,000 cubic feet.

(2) DETERMINATION OF AVERAGE PRICES.—For purposes of paragraph (1), the Secretary shall determine average prices, taking into consideration the most recent data reported by the Energy Information Administration.

(b) RENEGOTIATION OF EXISTING LEASES.—

(1) REQUIREMENT.—The Secretary shall, to the maximum extent practicable, renegotiate each lease authorizing production of oil or natural gas on Federal land (including submerged land) issued by the Secretary before the date of the enactment of this Act as the Secretary determines to be necessary to modify the terms of the lease to ensure that a suspension of a requirement to pay royalties under the lease does not apply to production described in subsection (a)(1).

(2) FAILURE TO RENEGOTIATE AND MODIFY.—

(A) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this Act, a lessee that does not renegotiate a lease described in paragraph (1) in accordance with that paragraph shall not be eligible to enter into a new lease authorizing production of oil or natural gas on Federal land (including submerged land).

(B) TRANSFERS.—A lessee shall not be eligible to obtain by sale or other transfer any lease described in paragraph (1) issued before the date of enactment of this Act, unless the lessee—

(i) renegotiates the lease; and

(ii) enters into an agreement with the Secretary to modify the terms of the lease in accordance with paragraph (1).

SEC. 8202. REPEAL OF ULTRA-DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Subtitle J of title IX of the Energy Policy Act of 2005 is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect on the date of the enactment of this Act.

Subtitle C—Suspension of Certain Energy Production Tax Incentives

SEC. 8301. SUSPENSION OF DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS.

Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''This section shall not apply with respect to any costs paid or incurred by a taxpayer which is an integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year or a related person to such company during the period beginning on the date of the enactment of this sentence and ending on the date on which aggregate revenues resulting from the provisions of, and amendments made by, sections 8201 through 8304 of the Gas Price Reduction Act of 2006 are estimated by the Secretary to equal the aggregate appropriations made to the Highway Trust Fund by reason of section 9503(f)(4).''.

SEC. 8302. SUSPENSION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

Section 45K of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(h) NONAPPLICATION OF SECTION.—This section shall not apply with respect to any fuel described in subsection (c)(1)(A) or subsection (c)(1)(B)(i) sold by a taxpayer which is an integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year or a related person to such company during the period beginning on the date of the enactment of this subsection and ending on the date on which aggregate revenues resulting from the provisions of, and amendments made by, sections 8201 through 8304 of the Gas Price Reduction Act of 2006 are estimated by the Secretary to equal the aggregate appropriations made to the Highway Trust Fund by reason of section 9503(f)(4).''.

SEC. 8303. SUSPENSION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) NONAPPLICATION OF SUBSECTION.—This subsection shall not apply with respect to any expenses paid or incurred by a taxpayer which is an integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year or a related person to such company during the period beginning on the date of the enactment of this subsection and ending on the date on which aggregate revenues resulting from the provisions of, and amendments made by, sections 8201 through 8304 of the Gas Price Reduction Act of 2006 are estimated by the Secretary to equal the aggregate appropriations made to the Highway Trust Fund by reason of section 9503(f)(4).''.

SEC. 8304. SUSPENSION OF PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS PROPERTIES.

Section 613A is amended by adding at the end the following new subsection:

''(f) TERMINATION.—The allowance for percentage depletion shall be zero with respect to a taxpayer which is an integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year or a related person to such company during the period beginning on the date of the enactment of this subsection and ending on the date on which aggregate revenues resulting from the provisions of, and amendments made by, sections 8201 through 8304 of the Gas Price Reduction Act of 2006 are estimated by the Secretary to equal the aggregate appropriations made to the Highway Trust Fund by reason of section 9503(f)(4).''.

SA 3774. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 190, beginning on line 7, strike ''*Provided*,'' and all that follows through ''*Provided further*,'' on line 11, and insert the following: ''*Provided*, That of that amount, $12,000,000 may be available for environmental cleanup and removal of debris from Department of Veterans Affairs land in Gulfport, Mississippi: *Provided further*, That of that amount, $50,000,000 shall be available for any purpose for which funds in the 'Construction, Major Projects' account are available under law:''.

SA 3775. Mr. HARKIN (for himself, Mr. JOHNSON, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CIVIL ACTIONS FOR CERTAIN FALSE CLAIMS.

(a) IN GENERAL.—Section 3730(b)(3) of title 31, United States Code, is amended—

(1) in this first sentence, by striking ''The Government'' and inserting ''(A) Except as provided under subparagraph (B), the Government''; and

(2) by adding at the end the following:

''(B)(i) In this subparagraph, the term 'covered civil action' means any civil action brought under section 3729 regarding expenditures of Federal funds relating to Iraq, Afghanistan, or the global war on terrorism.

''(ii) In any covered civil action, the total of all extensions under subparagraph (A) may not exceed 365 days, except that the Government may move the court for an additional extension upon a showing of extraordinary circumstances that disclosure of particular information in the complaint, material evidence, or other information would be

detrimental to the public interest. If the Government makes such a showing, the court shall seal any of the evidence or information sufficient to prevent damage to the public interest and the civil action shall proceed.''.

(b) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and apply to any covered civil action (as defined under section 3730(b)(3)(B)(i) of title 31, United States Code, as added by subsection (a) of this section) filed on or after that date.

(2) APPLICATION TO CERTAIN PRIOR CIVIL ACTIONS.—

(A) LIMITATION OF EXTENSIONS.—Except as provided under subparagraph (B), in any such covered civil action—

(i) filed 240 days or more before the date of enactment of this Act, no extension granted under section 3730(b)(3)(A) of that title may be in effect following the date occurring 120 days after such date of enactment; and

(ii) filed during the 239-day period preceding such date of enactment, no extension granted under section 3730(b)(3)(A) of that title may be in effect following the date occurring 365 days after the date of such filing.

(B) EXCEPTIONS.—The limitations under subpargraph (A) shall apply except for a showing by the Government of extraordinary circumstances that disclosure of particular information in the complaint, material evidence, or other information would be detrimental to the public interest. If the Government makes such a showing, the court shall seal any of the evidence or information sufficient to prevent damage to the public interest and the civil action shall proceed.

SA 3776. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, lines 5 and 6, strike ''paragraph (2)'' and insert ''paragraphs (2) and (3)''.

On page 207, between lines 15 and 16, insert the following:

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike ''(2)'' and insert ''(3)''.

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike ''(f)'' and insert ''(e)''.

Beginning on page 228, strike line 4 and all that follows through page 230, line 18 and insert the following:

SEC. 3021. REPLENISHMENT OF SECTION 32.

(a) DEFINITION OF SPECIALTY CROP.—In this section:

(1) IN GENERAL.—The term ''specialty crop'' means any agricultural crop.

(2) EXCEPTION.—The term ''specialty crop'' does not include—

(A) wheat;

(B) feed grains;

(C) oilseeds;

(D) cotton;

(E) rice;

(F) peanuts; or

(G) dairy.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use $25,500,000 of funds of the Commodity Credit Corporation to make grants to the several States, the District of Columbia, and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be—

(A) $500,000 to each of the several States; and

(B) $250,000 to each of the Commonwealth of Puerto Rico and the District of Columbia.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $59,500,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the product obtained by multiplying—

(1) the share of the State of the total value of specialty crop and livestock production of the United States for the 2004 crop year, as determined by the Secretary; by

(2) $49,500,000.

(d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops and livestock in the use of the grant funds.

(e) USE OF FUNDS.—A State may use funds from a grant awarded under this section—

(1) to supplement State food bank programs or other nutrition assistance programs;

(2) to promote the purchase, sale, or consumption of agricultural products;

(3) to provide economic assistance to agricultural producers, giving a priority to the support of specialty crops and livestock; or

(4) for other purposes, as determined by the Secretary.

SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producer on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed $175,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike ''**3043**'' and insert ''**3042**''.

SA 3777. Mr. MENENDEZ (for himself, Mr. LEAHY, Mr. DURBIN, Mr. SARBANES, Mr. LAUTENBERG, Mr. DODD, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, line 9, strike ''$69,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.''.

and insert in lieu thereof ''$129,800,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.''.

SA 3778. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TAX CREDIT FOR VEHICLES WITH HIGH FUEL ECONOMY

SEC. ____. For purposes of the Internal Revenue Code of 1986, there shall be allowed as credit against the tax imposed during the taxable year in which the vehicle is placed in service an amount of $1000 for purchase of a vehicle that obtains a minimum fuel economy of 45 miles per gallon.

SA 3779. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

INVESTIGATION OF GASOLINE PRICES

SEC. 7032. (a) IN GENERAL.—If, based on weekly data published by the Energy Information Administration of the Department of Energy, the average price of regular grade gasoline in a State increases 20 percent or more for at least 7 days during any 3-month period, the Federal Trade Commission shall initiate an investigation into the retail price of gasoline in that State to determine if the price of gasoline is being artificially manipulated by reducing refinery capacity or by any other form of manipulation.

(b) REPORT.—Not later than 14 days after the initiation of the investigation described in subsection (a), the Federal Trade Commission shall report to Congress the results of the investigation.

(c) PUBLIC MEETING.—Not later than 14 days after issuing the report described in subsection (b), the Federal Trade Commission shall hold a public hearing in the State in which the retail price of gasoline was investigated as described in subsection (a) for the purpose of presenting the results of the investigation.

(d) ACTION ON PRICE INCREASE.—

(1) FINDING OF MARKET MANIPULATION.—If the Federal Trade Commission determines that the increase in gasoline prices in a

State is a result of market manipulation, the Federal Trade Commission shall, in cooperation with the Attorney General of that State, take appropriate action.

(2) NO FINDING OF MARKET MANIPULATION.—If the Federal Trade Commission determines that the increase in gasoline prices in a State is not the result of market manipulation, the Federal Trade Commission shall notify the Secretary of Energy, who shall, within 2 weeks of such notification, decide if the Strategic Petroleum Reserve should be used to assure adequate supplies of gasoline.

(e) TERMINATION.—This section shall cease to apply on the date that is 5 years after the date of enactment of this Act.

SA 3780. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

FUEL ASSISTANCE FROM OIL COMPANIES PROVIDING HIGH EMPLOYEE BONUS OR RETIREMENT PACKAGES

SEC. 7_____. (a) In this section, the term ''large integrated oil company'' means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) that—

(1) has gross receipts in excess of $1,000,000 for the taxable year; and

(2) has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year.

(b) Notwithstanding any other provision of law, if a large integrated oil company provides to an offer or employee of the large integrated oil company a salary bonus or retirement package of more than $50,000,000, the large integrated oil company shall pay an equal amount into the Low Income Home Energy Assistance Program.

SA 3781. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

FUEL-EFFICIENT VEHICLES

SEC. ____. (a) None of the funds made available in this Act may be used to purchase a vehicle for the Federal government that is not fuel-efficient to the greatest extent possible, consistent with other federal laws.

(b) Not later than 6 months after the date of the enactment of this Act, the President shall submit to Congress a report on the number and type of vehicles purchased by the Federal government, including the fuel economy of such vehicles.

SA 3782. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE ARMED FORCES

SEC. 1312. (a) MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE ARMY.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.—The amount appropriated by this chapter under the heading ''OPERATION AND MAINTENANCE, ARMY'' is hereby increased by $20,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(2) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading ''OPERATION AND MAINTENANCE, ARMY'', as increased by paragraph (1), $20,000,000 shall be available to expand resources available for mental health counseling and care, including, in particular, suicide prevention programs.

(b) MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE NAVY.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, NAVY.—The amount appropriated by this chapter under the heading ''OPERATION AND MAINTENANCE, NAVY'' is hereby increased by $10,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(2) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading ''OPERATION AND MAINTENANCE, NAVY'', as increased by paragraph (1), $10,000,000 shall be available to expand resources available for mental health counseling and care, including, in particular, suicide prevention programs.

(c) MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE AIR FORCE.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, AIR FORCE.—The amount appropriated by this chapter under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'' is hereby increased by $10,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(2) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', as increased by paragraph (1), $10,000,000 shall be available to expand resources available for mental health counseling and care, including, in particular, suicide prevention programs.

(d) MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE MARINE CORPS.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, MARINE CORPS.—The amount appropriated by this chapter under the heading ''OPERATION AND MAINTENANCE, MARINE CORPS'' is hereby increased by $10,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(2) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading ''OPERATION AND MAINTENANCE, MARINE CORPS'', as increased by paragraph (1), $10,000,000 shall be available to expand resources available for mental health counseling and care, including, in particular, suicide prevention programs.

SA 3783. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

COMPREHENSIVE COMBAT CASUALTY CARE CENTER AT NAVAL MEDICAL CENTER, SAN DIEGO, CALIFORNIA

SEC. 1312. (a) ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM.—The amount appropriated by this chapter under the heading ''DEFENSE HEALTH PROGRAM'' is hereby increased by $16,200,000, with the amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading ''DEFENSE HEALTH PROGRAM'', as increased by subsection (a), $16,200,000 shall be available for facilities improvements, staffing requirements, and operations costs of the Comprehensive Combat Casualty Care Center at the Naval Medical Center, San Diego, California.

SA 3784. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

EMERGENCY FISHERY DISASTER ASSISTANCE

SEC. ____. (a) The Secretary of Commerce shall make a direct payment to the Pacific States Marine Fisheries Commission to distribute to fishing communities, Indian tribes, businesses, holders of community development quotas issued under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), individuals, and other entities as emergency disaster assistance to mitigate the economic losses caused by declining Klamath River Fall Chinook salmon.

(b) The Secretary of Commerce shall require that the Pacific States Marine Fisheries Commission shall, not later than 6 months after the date that the Commission receives a payment under this section, submit to the Secretary of Commerce and the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report describing the persons to whom the payment was distributed and the rationale for such distribution.

(c) There is appropriated to the Secretary of Commerce $81,000,000 to make payments under this section and that amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006. Any amount appropriated pursuant to this subsection that is not used or otherwise obligated shall be returned to the general fund of the Treasury.

SA 3785. Mr. LEVIN (for himself, Mr. DORGAN, Ms. STABENOW, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

NORTHER BORDER AIRWINGS

SEC. _____. (a) IN GENERAL.—The amount provided in the title titled ''BORDER SECURITY'' for recapitalization of air assets

under the heading ''AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT'' under the heading ''CUSTOMS AND BORDER PROTECTION'' under the heading ''EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY'' is reduced by $12,000,000.

(b) FUNDS FOR AIRWINGS.—Of the amount provided in the title titled ''BORDER SECURITY'' for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'' under the heading ''AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT'' under the heading ''CUSTOMS AND BORDER PROTECTION'' under the heading ''EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY'', $12,000,000 is for the Northern Border airwings in Michigan and North Dakota: Provided, That the amount provided under this subsection is designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3786. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

UNITED STATES INSTITUTE OF PEACE PROGRAMS IN IRAQ AND AFGHANISTAN

SEC. 1406. (a)(1) The amount appropriated by this chapter for other bilateral assistance under the heading ''ECONOMIC SUPPORT FUND'' is hereby increased by $8,500,000.

(2) The amount made available under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) Of the amount appropriated by this chapter for other bilateral assistance under the heading ''ECONOMIC SUPPORT FUND'', as increased by subsection (a), $8,500,000 shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan.

(c) Of the funds made available by chapter 2 of title II of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005'' (Public Law 109-13) for military assistance under the heading ''PEACEKEEPING OPERATIONS'' and available for the Coalition Solidarity Initiative, $8,500,000 is rescinded.

SA 3787. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

EXPEDITED REMOVAL

SEC. ____. Notwithstanding any other provision of law, the Secretary of Homeland Security may apply the expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) to natives and citizens of El Salvador.

SA 3788. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

IMMIGRATION INJUNCTION REFORM

SEC. 7032. (a) SHORT TITLE.—This section may be cited as the ''Fairness in Immigration Litigation Act of 2006''.

(b) APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.—

(1) LIMITATION ON CIVIL ACTIONS.—No court may certify a class under Rule 23 of the Federal Rules of Civil Procedure in any civil action filed after the date of enactment of this Act pertaining to the administration or enforcement of the immigration laws of the United States.

(2) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(iv) provide for the expiration of the relief on a specific date, which allows for the minimum practical time necessary to remedy the violation.

(B) WRITTEN EXPLANATION.—The requirements described in subparagraph (A) shall be—

(i) discussed and explained in writing in the order granting prospective relief; and

(ii) sufficiently detailed to allow review by another court.

(C) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(i) makes the findings required under subparagraph (A) for the entry of permanent prospective relief; and

(ii) makes the order final before expiration of such 90-day period.

(D) REQUIREMENTS FOR ORDER DENYING MOTION.—This paragraph shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(3) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(B) AUTOMATIC STAYS.—

(i) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(ii) DURATION OF AUTOMATIC STAY.—An automatic stay under clause (i) shall continue until the court enters an order granting or denying the Government's motion.

(iii) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under clause (i) for not longer than 15 days. No further postponement of any such automatic stay pursuant to this paragraph shall be available under this subparagraph.

(iv) AUTOMATIC STAYS DURING REMANDS FROM HIGHER COURTS.—If a higher court orders that a decision on a motion subject to this subsection be remanded to a lower court, the order granting prospective relief that is the subject of the motion shall be automatically stayed until the district court enters an order granting or denying the Government's motion.

(v) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in clause (i), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under clause (iii), shall be—

(I) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(II) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(C) MOTIONS.—

(i) IN GENERAL.—For purposes of this paragraph, any motion pending for not more than 45 days on the date of enactment of this Act shall be treated as if it had been filed on such date of enactment.

(ii) MOTIONS PENDING FOR MORE THAN 45 DAYS.—Every motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States which has been pending for more than 45 days as of the date of enactment of this Act, and remains pending on the 10th day following such date of enactment, shall result in an automatic stay, without further order of the court, of the prospective relief that is the subject of any such motion.

(4) ADDITIONAL RULES CONCERNING PROSPECTIVE RELIEF AFFECTING EXPEDITED REMOVAL.—

(A) JURISDICTION.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas provision, and sections 1361 and 1651 of such title, no court has jurisdiction to grant or continue an order or part of an order granting prospective relief if the order or part of the order interferes with, affects, or impacts any determination pursuant to, or implementation of, section 235(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)).

(B) EFFECT OF GOVERNMENT MOTION.—Upon the Government's filing of a motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in a civil action described in paragraph (2), the court shall promptly decide whether it continues to have jurisdiction and shall promptly vacate any order or part of an order granting prospective relief that is not within the jurisdiction of the court.

(C) EXCEPTION.—Subparagraphs (A) and (B) shall not apply to the extent that—

(i) an order granting prospective relief was entered before the date of enactment of this Act; and

(ii) the prospective relief is necessary to remedy the violation of a right guaranteed by the United States Constitution.

(5) SETTLEMENTS.—

(A) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United

States, the court may not enter, approve, or continue a consent decree that does not comply with paragraph (2).

(B) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with paragraph (2) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(6) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this subsection.

(7) DEFINITIONS.—In this subsection:

(A) CONSENT DECREE.—The term ''consent decree''—

(i) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(ii) does not include private settlements.

(B) GOOD CAUSE.—The term ''good cause'' does not include discovery or congestion of the court's calendar.

(C) GOVERNMENT.—The term ''Government'' means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(D) PERMANENT RELIEF.—The term ''permanent relief'' means relief issued in connection with a final decision of a court.

(E) PRIVATE SETTLEMENT AGREEMENT.—The term ''private settlement agreement'' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(F) PROSPECTIVE RELIEF.—The term ''prospective relief'' means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(c) APPLICATION OF AMENDMENT.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(d) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is found to be unconstitutional, the remainder of this section and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 3789. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 20, after ''Provided,'' insert the following: ''That for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina: Provided further,''.

SA 3790. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Except for the renewal of existing intergovernmental agreements, the Bureau of Prisons (BOP) shall not plan, support, or contract to meet Federal BOP bed space needs which replace intergovernmental agreements existing at the date of enactment hereof and are used to house 1000 or more Federal inmates, until 30 days after the General Accountability Office releases the BOP Cost Comparison Report required in the Conference Report that accompanied Public 109–108.

SA 3791. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 176, strike lines 4 through 7 and insert the following:

December 31, 2006, for part A of title V of the Elementary and Secondary Education Act of 1965 (''ESEA'') for allocations to States for necessary expenses in the 2006-2007 academic year related to the consequences of Hurricanes Katrina and Rita: Provided further, That, notwithstanding the allotment formula described in section 5111 of the ESEA, funds made available in the preceding proviso shall be allocated to each eligible State educational agency on the basis of its relative share of displaced students (as that term is defined in section 107(b)(1) of title IV of division B of Public Law 109-148) enrolled on October 1, 2006, provided that the number of displaced students enrolled in public and private elementary schools and secondary schools in the State is not less than 1 percent of the total fourth quarter displaced student enrollment count of the 2005-2006 academic year: Provided further, That, notwithstanding the allocation formula described in section 5112 of the ESEA, each State educational agency shall make 100 percent of funds available under such proviso to local educational agencies on the basis of each local educational agency's relative share of displaced students on October 1, 2006: Provided further, That such local educational agencies shall use such funds in accordance with sections 5131 and 5142 of the ESEA: Provided further, that the

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SA 3792. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 19, strike ''$10,600,000,000'' and all that follows through line 23 and insert the following: ''$10,800,000,000 to remain available until expended: Provided, That $200,000,000 shall be for ensuring that for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, that each county or parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That of funds made available under the heading 'Millennium Challenge Corporation' under the heading 'Independent Agencies' in Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102; 119 Stat. 2184), $200 million is rescinded.''.

SA 3793. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 4936, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 19, strike ''$10,600,000,000'' all through and including line 23 and insert ''$7,333,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.''.

SA 3794. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, line 3, after ''contractors:'', insert the following: ''*Provided further*, That $520,000,000 of the funds appropriated herein to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $198,000,000 of the funds appropriated herein for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; and $285,000,000 of the funds appropriated herein to improve protection at the Inner Harbor Navigation Canal shall be available only for fiscal years 2007 and thereafter, subject to authorization:''.

SA 3795. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, strike lines 15 through 20 and insert the following: '', $122,850,000, to remain available until expended: *Provided*, That the provision of such sums shall be subject to authorization:''.

On page 161, beginning on line 3, strike ''the Secretary'' and all that follows through ''tem:'' on line 20 and insert the following: ''the provision of such sums shall be subject to authorization:''.

SA 3796. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, strike lines 12 through 19.

SA 3797. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 171, strike lines 19 through 24 and insert the following:

canes of the 2005 season, $6,300,000, to remain available until September 30, 2007, of which the Administrator of the Environmental Protection Agency, by not later than 60 days after the date of enactment of this Act, shall use $300,000 to prepare and submit to Congress a report that describes the potential hazards posed by exposure to any hazardous substance, pollutant, or contaminant (including disease-causing organisms and mold) that may have been released or mobilized into the environment due to Hurricane Katrina or Hurricane Rita and methods by which the Administrator plans to mitigate those hazards: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3798. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. _____. Any national service educational award described in subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.), made with funds appropriated to, funds transferred to, or interest accumulated in the National Service Trust, shall be known as a ''Segal award''.

SA 3799. Mr. INOUYE (for himself, Mr. STEVENS, Mr. SHELBY, Mr. SARBANES, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

TITLE —IMPROVED PUBLIC TRANSPORTATION SECURITY

SEC. —101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Public Transportation Terrorism Prevention Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —101. Short title; table of contents.
Sec. —102. Findings and purpose.
Sec. —103. Security assessments.
Sec. —104. Security assistance grants.
Sec. —105. Intelligence sharing.
Sec. —106. Research, development, and demonstration grants.
Sec. —107. Reporting requirements.
Sec. —108. Authorization of appropriations.
Sec. —109. Sunset provision.

SEC. —102. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested $74,900,000,000 since 1992 for construction and improvements to the Nation's public transportation systems;

(6) the Federal Government appropriately invested $18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated $250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested $7.38 in aviation security improvements per passenger, but only $0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation's public transportation systems.

SEC. —103. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) REVIEW.—Not later than July 31, 2006, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section —104, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2006, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1), shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section —104.

(5) UPDATES.—Not later than July 31, 2007, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2006, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. —104. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section —103(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section —103(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section —103(a)(4); and

(F) other appropriate security improvements identified under section —103(a)(4), excluding routine, ongoing personnel costs.

(c) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(d) PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(e) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. —105. INTELLIGENCE SHARING.

(a) INTELLIGENCE SHARING.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) INFORMATION SHARING ANALYSIS CENTER.—

(1) ESTABLISHMENT.—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the ''ISAC'') established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) PUBLIC TRANSPORTATION AGENCY PARTICIPATION.—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. —106. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary of Homeland Security, in consultation with the Federal Transit Administration, shall award grants to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used to—

(1) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(2) research imaging technologies;

(3) conduct product evaluations and testing; and

(4) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) REPORTING REQUIREMENT.—Each entity that receives a grant under this section shall report annually to the Department of Homeland Security on the use of grant funds received under this section.

(d) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee shall return any amount so used to the Treasury of the United States.

SEC. —107. REPORTING REQUIREMENTS.

(a) SEMI-ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31 and September 30 of each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections — 103 through 106;

(B) the amount of funds appropriated to carry out the provisions of each of sections — 103 through 106 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 of each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) CONTENTS.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. —108. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated $2,370,000,000 for fiscal year 2007 to carry out the provisions of section —104(a), which shall remain available until expended.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section —104(b)—

(1) $534,000,000 for fiscal year 2007;

(2) $333,000,000 for fiscal year 2008; and

(3) $133,000,000 for fiscal year 2009.

(c) INTELLIGENCE.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section —105.

(d) RESEARCH.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section —106, which shall remain available until expended.

SEC. —109. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2009.

TITLE —IMPROVED RAIL SECURITY

SEC. —201. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Rail Security Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —201. Short title; table of contents.
Sec. —202. Rail transportation security risk assessment.
Sec. —203. Systemwide AMTRAK security upgrades.
Sec. —204. Fire and life-safety improvements.
Sec. —205. Freight and passenger rail security upgrades.
Sec. —206. Rail security research and development.
Sec. —207. Oversight and grant procedures.
Sec. —208. AMTRAK plan to assist families of passengers involved in rail passenger accidents.
Sec. —209. Northern border rail passenger report.
Sec. —210. Rail worker security training program.
Sec. —211. Whistleblower protection program.
Sec. —212. High hazard material security threat mitigation plans.
Sec. —213. Memorandum of agreement.
Sec. —214. Rail security enhancements.
Sec. —215. Public awareness.
Sec. —216. Railroad high hazard material tracking.
Sec. —217. Authorization of appropriations.

SEC. —202. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY AND RISK ASSESSMENT.—The Secretary of Homeland Security shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a vulnerability and risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities describe in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

(B) identification and evaluation of critical assets and infrastructures;

(C) identification of vulnerabilities and risks to those assets and infrastructures;

(D) identification of vulnerabilities and risks that are specific to the transportation of hazardous materials via railroad;

(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(3) PLANS.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal government to provide increased security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) REPORT.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report containing the assessment, prioritized recommendations, and plans required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) ANNUAL UPDATES.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $5,000,000 for fiscal year 2007.

SEC. —203. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section —202, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AVAILABILITY OF FUNDS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(1) $63,500,000 for fiscal year 2007;

(2) $30,000,000 for fiscal year 2008; and

(3) $30,000,000 for fiscal year 2009.

Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. —204. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section —217(b) of this title, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $190,000,000 for fiscal year 2007;

(B) $190,000,000 for fiscal year 2008; and

(C) $190,000,000 for fiscal year 2009.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $19,000,000 for fiscal year 2007;

(B) $19,000,000 for fiscal year 2008; and

(C) $19,000,000 for fiscal year 2009.

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $13,333,000 for fiscal year 2007;

(B) $13,333,000 for fiscal year 2008; and

(C) $13,333,000 for fiscal year 2009.

(c) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section —217(b) of this title, there shall be made available to the Secretary of Transportation for fiscal year 2007 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. —205. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary of Homeland Security, through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section —202, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section —202, including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(c) ALLOCATION.—The Secretary shall distribute the funds authorized by this section based on risk and vulnerability as determined under section —202, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section —203(b) of this title.

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section —202 the Secretary of Homeland Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

(1) in excess of $45,000,000 to Amtrak; or

(2) in excess of $80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $100,000,000 for fiscal year 2007;

(2) $100,000,000 for fiscal year 2008; and

(3) $100,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

(g) HIGH HAZARD MATERIALS DEFINED.—In this section, the term ''high hazard materials'' means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

SEC. —206. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section —205(g) of this title; and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address vulnerabilities and risks identified under section —202.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary of Homeland Security shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) GRANTS AND ACCOUNTABILITY.—To carry out the research and development program, the Secretary may award grants to the entities described in section —205(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $35,000,000 for fiscal year 2007;

(2) $35,000,000 for fiscal year 2008; and

(3) $35,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. —207. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Homeland Security may use up to 0.5 percent of amounts made available for capital projects under the Rail Security Act of 2006 to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) of this subsection to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

(c) PROCEDURES FOR GRANT AWARD.—The Secretary shall, within 90 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

SEC. —208. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

''(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2006, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

''(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

''(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

''(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

''(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

''(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

''(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

''(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

''(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

''(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

''(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising

out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(f) FUNDING.—Out of funds appropriated pursuant to section —217(b) of the Rail Security Act of 2006, there shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''24316. Plan to assist families of passengers involved in rail passenger accidents.''.

SEC. —209. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in ''The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America'', dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the ''Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States'', dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. —210. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) RAILROAD CARRIER PROGRAMS.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(d) TRAINING.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term ''front-line workers'' means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. —211. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

''§ 20118. Whistleblower protection for rail security matters

''(a) DISCRIMINATION AGAINST EMPLOYEE.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security; or

''(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

''(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

''(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

''(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this title, including the burdens of proof, applies to any complaint brought under this section.

''(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

''(e) DISCLOSURE OF IDENTITY.—

''(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

''(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20117 the following:

''20118. Whistleblower protection for rail security matters.''.

SEC. —212. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration)

and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section —205(g) of this title and of a quantity equal or exceeding the quantities of such material listed in subpart 172.800, title 49, Federal Code of Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) The term ''high-consequence target'' means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) The term ''catastrophic impact zone'' means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term ''rail carrier'' has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. —213. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Similar to the public transportation security annex between the two departments signed on September 8, 2005, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking ''safety'' the first place it appears, and inserting ''safety, including security,''.

SEC. —214. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Under''; and

(2) by striking ''the rail carrier'' each place it appears and inserting ''any rail carrier''.

(b) REVIEW OF RAIL REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration), shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. —215. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. —216. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section —206 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section —205(g) of this title) in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

SEC. —217. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

''(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security, (Transportation Security Administration) for rail security—

''(1) $206,500,000 for fiscal year 2007;

''(2) $168,000,000 for fiscal year 2008; and

''(3) $168,000,000 for fiscal year 2009.''.

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this title—

(1) $225,000,000 for fiscal year 2007;

(2) $223,000,000 for fiscal year 2008; and

(3) $223,000,000 for fiscal year 2009.

TITLE —IMPROVED MARITIME SECURITY

SEC. —301. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Maritime and Transportation Security Act of 2006.''

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE —IMPROVED MARITIME SECURITY

Sec. —301. Short title; table of contents.
Sec. —302. Establishment of additional interagency operational centers for port security.
Sec. —303. Area maritime transportation security plan to include salvage response plan.
Sec. —304. Assistance for foreign ports.
Sec. —305. Specific port security initiatives.
Sec. —306. Technical requirements for non-intrusive inspection equipment.
Sec. —307. Random inspection of containers.
Sec. —308. Port security user fee study.
Sec. —309. Port security grants.
Sec. —310. Work stoppages and employee-employer disputes.
Sec. —311. Inspection of car ferries entering from Canada.

SEC. —302. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish interagency operational centers for port security at all high priority ports.

(b) CHARACTERISTICS.—The interagency operational centers shall—

(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami,

Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California, and the virtual operation center at the port of New York/New Jersey;

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating;

(3) provide for participation by—

(A) representatives of the United States Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, the Department of Defense, and other Federal agencies, as determined to be appropriate by the Secretary of Homeland Security;

(B) representatives of State and local law enforcement or port security agencies and personnel; and

(C) members of the area maritime security committee, as deemed appropriate by the captain of the port;

(4) be incorporated in the implementation of—

(A) maritime transportation security plans developed under section 70103 of title 46, United States Code;

(B) maritime intelligence activities under section 70113 of that title;

(C) short and long range vessel tracking under sections 70114 and 70115 of that title;

(D) secure transportation systems under section 70119 of that title;

(E) the United States Customs and Border Protection's screening and high-risk cargo inspection programs; and

(F) the transportation security incident response plans required by section 70104 of that title.

(c) 2005 ACT REPORT REQUIREMENT.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(d) BUDGET AND COST-SHARING ANALYSIS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a proposed budget analysis for implementing subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers.

(e) SECURITY CLEARANCE ASSISTANCE.—The Secretary of the department in which the Coast Guard is operating may assist non-Federal personnel described in subsection (b)(3)(B) or (C) in obtaining expedited appropriate security clearances and in and maintaining their security clearances.

(f) SECURITY INCIDENTS.—During a transportation security incident (as defined in section 70101(6) of title 46, United States Code) involving a port, the Coast Guard Captain of the Port designated by the Commandant of the Coast Guard in each joint operations center for maritime security shall act as the incident commander, unless otherwise directed under the National Maritime Transportation Security Plan established under section 70103 of title 46, United States Code.

SEC. —303. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) include a salvage response plan—

''(i) to identify salvage equipment capable of restoring operational trade capacity; and

''(ii) to ensure that the flow of cargo through United States ports is re-established as efficiently and quickly as possible after a transportation security incident.''.

SEC. —304. ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 70109. International cooperation and coordination'' ; and

(2) by adding at the end the following:

''(c) FOREIGN ASSISTANCE PROGRAMS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of Energy, and the Commandant of the United States Coast Guard, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

''(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the United States Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

''(A) the strategic location of such ports between South America and United States;

''(B) the relative openness of such ports; and

''(C) the significant number of shipments of narcotics to the United States that are moved through such ports.

''(d) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Standards Organization, as appropriate—

''(1) to promote standards for the security of containers and other cargo moving within the international supply chain;

''(2) to encourage compliance with minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, established under section ——— of the Maritime and Transportation Security Act of 2006 Act;

''(3) to implement the requirements of the container security initiative under section 70117; and

''(4) to implement standards and procedures established under section 70119.''.

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on the security of ports in the Caribbean Basin. The report—

(1) shall include—

(A) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(B) an estimate of the number of ports in the Caribbean Basin that will not be secured by January 1, 2007, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(C) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(2) may be submitted in both classified and redacted formats.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70901 and inserting the following:

''70901. International cooperation and coordination''.

SEC. —305. SPECIFIC PORT SECURITY INITIATIVES.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to withholding of clearance), as added by section 802(a)(2) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70120;

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70122;

(4) by striking section 70116;

(5) by redesignating sections 70117 through 70122 (as redesignated) as sections 70120 through 70126; and

(6) by inserting after section 70115 the following:

''§ 70116. Automated targeting system

''(a) IN GENERAL.—The Secretary shall develop and maintain an antiterrorism cargo identification and screening system for containerized cargo shipped to the United States either directly or via a foreign port to assess imports and target those imports which pose a high risk of containing contraband.

''(b) 24-HOUR ADVANCE NOTIFICATION.—In order to provide the best possible data for the automated targeting system, the Secretary shall require importers shipping goods to the United States via cargo container to supply advanced trade data not later than 24 hours before loading a container under the advance notification requirements under section 484(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)). The requirement shall apply to goods entered after July 1, 2007.

''(c) SECURE TRANSMISSION; CONFIDENTIALITY.—All information required by the Secretary from supply chain partners under this section shall—

''(1) be transmitted in a secure fashion, as determined by the Secretary, so as to protect the information from unauthorized access; and

''(2) shall not be subject to public disclosure under section 552 of title 5.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) There are authorized to be appropriated to the Secretary of Homeland Security to carry out the automated targeting system program to identify high-risk oceanborne container cargo for inspection—

''(A) $30,700,000 for fiscal year 2007;

''(B) $33,200,000 for fiscal year 2008; and

''(C) $35,700,000 for fiscal year 2009.

''(2) The amounts authorized by this subsection shall be in addition to any other

amounts authorized to be appropriated to carry out that program.

"§ 70117. Container security initiative

''(a) IN GENERAL.—The Secretary shall issue regulations to—

''(1) evaluate and screen cargo documents prior to loading in a foreign port for shipment to the United States, either directly or via a foreign port; and

''(2) inspect high-risk cargo in a foreign port intended for shipment to the United States by physical examination or nonintrusive examination by technological means.

''(b) IMPLEMENTATION.—The Commissioner of Customs and Border Protection shall execute inspection and screening protocols with authorities in foreign ports to ensure that the standards and procedures promulgated under subsection (a) are implemented in an effective manner.

''(c) APPLICATION OF CONTAINER SECURITY INITIATIVE TO OTHER PORTS.—

''(1) IN GENERAL.—The Secretary, through the Commissioner of Customs and Border Protection, may designate foreign seaports under this section if, with respect to any such seaport, the Secretary determines that—

''(A) the seaport—

''(i) presents a significant level of risk;

''(ii) is a significant port or origin or transshipment, in terms of volume or value, for cargo being imported to the United States; and

''(iii) is potentially capable of validating a secure system of transportation pursuant to section 70119; and

''(B) the Department of State and representatives of the country with jurisdiction over the port have completed negotiations to ensure compliance with the requirements of the container security initiative.

''(2) COORDINATION WITH INTERNATIONAL CARGO SECURITY STANDARDS.—In carrying out paragraph (a), the Secretary shall—

''(A) consult with the Secretary of State concerning progress under section 70109(d); and

''(B) coordinate activities under paragraph (1) with activities conducted under that section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

''(1) $142,000,000 for fiscal year 2007;

''(2) $144,000,000 for fiscal year 2008; and

''(3) $146,000,000 for fiscal year 2009.

"§ 70118. Customs-Trade Partnership Against Terrorism validation program

''(a) IN GENERAL.—The Secretary shall establish a voluntary program to strengthen and improve the overall security of the international supply chain and United States border security.

''(b) VALIDATION; RECORDS MANAGEMENT.—The Secretary shall issue regulations—

''(1) to strengthen the validation process to verify that security programs of members of the Customs-Trade Partnership Against Terrorism have been implemented and that the program benefits should continue by providing appropriate guidance to specialists conducting such validations, including establishing what level of review is adequate to determine whether member security practices are reliable, accurate, and effective; and

''(2) to implement a records management system that documents key decisions and significant operational events accurately and in a timely manner, including a reliable system for—

''(A) documenting and maintaining records of all decisions in the application through validation processes, including documentation of the objectives, scope, methodologies, and limitations of validations; and

''(B) tracking member status.

''(b) HUMAN CAPITAL PLAN.—Within 6 months after the date of enactment of the Transportation Security Improvement Act of 2005, the Secretary shall complete a human capital plan, that clearly describes how the Customs-Trade Partnership Against Terrorism program will recruit, train, and retain sufficient staff to conduct the work of the program successfully, including reviewing security profiles, vetting, and conducting validations to mitigate program risk.

''(c) REVALIDATION.—The Secretary shall establish a process for revalidating C–TPAT participants. Such revalidation shall occur not less frequently than once during every 3-year period following validation.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not to exceed—

''(1) $60,000,000 for fiscal year 2007;

''(2) $65,000,000 for fiscal year 2008; and

''(3) $72,000,000 for fiscal year 2009.

"§ 70119. Secure systems of transportation

''(a) IN GENERAL.—The Secretary shall establish a program, to be known as the 'GreenLane program', to evaluate and certify secure systems of international intermodal transportation—

''(1) to ensure the security and integrity of shipments of goods to the United States from the point at which such goods are initially packed or loaded into a cargo container for international shipment until they reach their ultimate destination; and

''(2) to facilitate the movement of such goods through the entire supply chain through an expedited security and clearance program.

''(b) PROGRAM ELEMENTS.—In establishing and conducting the program under subsection (a) the Secretary, acting through the Commissioner of Customs and Border Protection, shall—

''(1) establish standards and procedures for verifying, at the point at which goods are placed in a cargo container for shipping, that the container is free of unauthorized hazardous chemical, biological, or nuclear material and for securely sealing such containers after the contents are so verified;

''(2) ensure that cargo is loaded at a port designated under section 70117 for shipment to the United States;

''(3) develop performance standards to enhance the physical security of shipping containers, including performance standards for container security devices;

''(4) establish standards and procedures for securing cargo and monitoring that security while in transit;

''(5) ensure that cargo complies with additional security criteria established by the Secretary beyond the minimum requirements for C–TPAT participation under section 70118, particularly in the area of access controls;

''(6) establish standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and

''(7) incorporate any other measures the Secretary considers necessary to ensure the security and integrity of international intermodal transport movements.

''(c) BENEFITS FROM PARTICIPATION.—

''(1) ELIGIBILITY.—The Commissioner of Customs and Border Protection may by regulation provide for expedited clearance of cargo for an entity that—

''(A) meets or exceeds the standards established under subsection (b); and

''(B) certifies the security of its supply chain not less often than once every 2 years to the Secretary.

''(2) BENEFITS.—The expedited clearance provided under paragraph (1) to any eligible entity may include—

''(A) the expedited release of GreenLane cargo into destination ports within the United States during all threat levels designated by the Secretary or the Commandant of the Coast Guard;

''(B) reduced or eliminated bonding requirements for GreenLane cargo;

''(C) priority processing for searches;

''(D) further reduced scores in the automated targeting system; and

''(E) streamlined billing of any customs duties or fees.

''(d) CONSEQUENCES OF LACK OF COMPLIANCE.—

''(1) IN GENERAL.—Any participant whose security measures and supply chain security practices have been determined by the Secretary to be out of compliance with any requirements of the program shall be denied benefits under the program.

''(2) RIGHT OF APPEAL.—Any participant determined by the Secretary under paragraph (1) not to be in compliance with the requirements of the program may appeal that determination to the Secretary.''.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

''70116. Automated targeting system
''70117. Container security initiative
''70118. Customs-Trade Partnership Against Terrorism validation program
''70119. Secure systems of transportation
''70120. In rem liability for civil penalties and certain costs
''70121. Firearms, arrests, and seizure of property
''70122. Withholding of clearance
''70123. Enforcement by State and local officers
''70124. Container security initiative
''70125. Civil penalty''.

(2) Section 70117(a) of title 46, United States Code, is amended by striking ''section 70120'' and inserting ''section 70125''.

(3) Section 70119(a) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(A) by striking ''under section 70119,'' and inserting ''under section 70125,''; and

(B) by striking ''under section 70120,'' and inserting ''under that section,''.

SEC. —306. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE INSPECTION EQUIPMENT.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Domestic Nuclear Detection Office, in consultation with the National Institute of Science and Technology and the U.S. Customs and Border Protection, shall initiate a rulemaking—

(1) to establish minimum technical requirements for the capabilities of non-intrusive inspection equipment for cargo, including imaging and radiation devices; and

(2) to ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary.

(b) ENDORSEMENTS; SOVEREIGNTY CONFLICTS.—In establishing such requirements, the Domestic Nuclear Detection Office shall be careful to avoid the endorsement of products associated with specific companies and the creation of sovereignty conflicts with participating countries.

(c) RADIATION SAFETY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a plan to the Senate Committee on Commerce, Science, and Transportation,

Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Appropriations, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Appropriations that—

(1) details the health and safety impacts of nonintrusive inspection technology; and

(2) describes the policy of the Bureau of Customs and Border Protection for using nonintrusive inspection equipment.

(d) FINAL RULE DEADLINE.—The Domestic Nuclear Detection Office shall issue a final rule under subsection (a) within 1 year after the rulemaking proceeding is initiated.

SEC. —307. RANDOM INSPECTION OF CONTAINERS.

Within 1 year after the date of enactment of this Act, the Commissioner of Customs and Border Protection shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

SEC. —308. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Within 1 year after date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate); and

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security.

SEC. —309. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking ''for making a fair and equitable allocation of funds'' and inserting ''based on risk and vulnerability''.

(b) ELIGIBLE COSTS.—Section 70107(b) of title 46, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(c) LETTERS OF INTENT.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

''(5) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to port sponsors from the Fund.''.

(d) OPERATION SAFE COMMERCE.—Section 70107(i) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following:

''(4) OPERATION SAFE COMMERCE.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the [To be supplied] Act, the Secretary shall initiate grant projects that—

''(i) integrate nonintrusive inspection and radiation detection equipment with automatic identification methods for containers, vessels, and vehicles;

''(ii) test physical access control protocols and technologies;

''(iii) create a data sharing network capable of transmitting data required by entities participating in the international supply chain from every intermodal transfer point to the National Targeting Center of the Department; and

''(iv) otherwise further maritime and cargo security, as determined by the Secretary.

''(B) SUPPLY CHAIN SECURITY FOR SPECIAL CONTAINER AND NONCONTAINERIZED CARGO.—The Secretary shall consider demonstration projects that further the security of the international supply chain for special container cargo, including refrigerated containers, and noncontainerized cargo, including roll-on/roll-off, break-bulk, liquid, and dry bulk cargo.

''(C) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary shall submit a report detailing the results of Operation Safe Commerce to—

''(i) the Senate Committee on Commerce, Science, and Transportation;

''(ii) the Senate Committee on Homeland Security and Governmental Affairs;

''(iii) the House of Representatives Committee on Homeland Security;

''(iv) the Senate Committee on Appropriations; and

''(v) the House of Representatives Committee on Appropriations.''.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The Secretary of Homeland Security shall—

(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

(2) encourage the ingenuity of the private sector in developing and testing technologies and process innovations in furtherance of these objectives; and

(3) evaluate such technologies.

(f) COORDINATION.—The Secretary of Homeland Security, acting through the Undersecretary for Science and Technology, in consultation with the Assistant Secretary for Policy, the Director of Cargo Security Policy, and the Chief Financial Officer, shall ensure that—

(1) research, development, test, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department, as appropriate.

SEC. —310. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) is amended by inserting after ''area.'' the following: ''In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action resulting from an employee-employer dispute.''.

SEC. —311. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

SA 3800. Mr. INOUYE (for himself, Mr. STEVENS, Mrs. HUTCHISON, Mr. ROCKEFELLER, Mrs. BOXER, Mr. LAUTENBERG, Ms. SNOWE, Ms. CANTWELL, Mr. KERRY, Mr. DORGAN, Mr. NELSON of Florida, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

TITLE —IMPROVED MARITIME SECURITY

SEC. —00. SHORT TITLE; TABLE OF CONTENTS..

(a) SHORT TITLE.—This title may be cited as the ''Maritime Security Improvement Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE —IMPROVED MARITIME SECURITY

Sec. —00. Short title; table of contents..
Sec. —01. Establishment of additional interagency operational centers for port security.
Sec. —02. Area maritime transportation security plan to include salvage response plan.
Sec. —03. Post-incident resumption of trade.
Sec. —04. Assistance for foreign ports.
Sec. —05. Improved data for targeted cargo searches.
Sec. —06. Technical requirements for nonintrusive inspection equipment.
Sec. —07. Random inspection of containers.
Sec. —08. Cargo security.
Sec. —09. Secure systems of international intermodal transportation.
Sec. —10. Port security user fee study.
Sec. —11. Deadline for transportation security cards.
Sec. —12. Port security grants.
Sec. —13. Customs-Trade Partnership Against Terrorism security validation program.
Sec. —14. Work stoppages and employee-employer disputes.
Sec. —15. Appeal of denial of waiver for transportation security card.
Sec. —16. Inspection of car ferries entering from Canada.

SEC. —01. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish interagency operational centers for port security at all high priority ports.

(b) CHARACTERISTICS.—The interagency operational centers shall—

(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California;

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating;

(3) provide for participation by representatives of the United States Customs and Border Protection, the Transportation Security Administration, the Department of Defense, and other Federal agencies, as determined to be appropriate by the Secretary of Homeland Security, and State and local law enforcement or port security agencies and personnel; and

(4) be incorporated in the implementation of—

(A) maritime transportation security plans developed under section 70103 of title 46, United States Code;

(B) maritime intelligence activities under section 70113 of that title;

(C) short and long range vessel tracking under sections 70114 and 70115 of that title;

(D) secure transportation systems under section 70116 of that title;

(E) the United States Customs and Border Protection's screening and high-risk cargo inspection programs; and

(F) the transportation security incident response plans required by section 70104 of that title.

(c) 2005 ACT REPORT REQUIREMENT.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(d) BUDGET AND COST-SHARING ANALYSIS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a proposed budget analysis for implementing subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers.

SEC. —02. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by striking ''and'' after the semicolon in subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

''(F) include a salvage response plan—

''(i) to identify salvage equipment capable of restoring operational trade capacity; and

''(ii) to ensure that the flow of cargo through United States ports is re-established as efficiently and quickly as possible after a transportation security incident.''.

SEC. —03. POST-INCIDENT RESUMPTION OF TRADE.

Section 70103(a)(2)(J) of title 46, United States Code, is amended by inserting after ''incident.'' the following: ''The plan shall provide, to the extent practicable, preference in the reestablishment of the flow of cargo through United States ports after a transportation security incident to—

''(i) vessels that have a vessel security plan approved under subsection (c);

''(ii) vessels manned by individuals who are described in section 70105(b)(2)(B) and who have undergone a background records check under section 70105(d) or who hold transportation security cards issued under section 70105; and

''(iii) vessels on which all the cargo has undergone screening and inspection under standards and procedures established under section 70116(b)(2) of this title.''.

SEC. —04. ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 70109. International cooperation and coordination'' ; and

(2) by adding at the end the following:

''(c) FOREIGN ASSISTANCE PROGRAMS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of Energy, and the Commandant of the United States Coast Guard, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

''(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the United States Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

''(A) the strategic location of such ports between South America and United States;

''(B) the relative openness of such ports; and

''(C) the significant number of shipments of narcotics to the United States that are moved through such ports.

''(d) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary of State, in consultation with the Secretary acting through the Commissioner of Customs and Border Protection, shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, the International Labor Organization, and the International Standards Organization, as appropriate—

''(1) to promote standards for the security of containers and other cargo moving within the international supply chain;

''(2) to encourage compliance with minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, established under section —06 of the Maritime Security Improvement Act of 2006;

''(3) to implement the requirements of the container security initiative under section 70121; and

''(4) to implement standards and procedures established under section 70116.''.

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on the security of ports in the Caribbean Basin. The report—

(1) shall include—

(A) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(B) an estimate of the number of ports in the Caribbean Basin that will not be secured by January 1, 2007, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(C) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(2) may be submitted in both classified and redacted formats.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70901 and inserting the following:

''70901. International cooperation and coordination''.

SEC. —05. IMPROVED DATA FOR TARGETED CARGO SEARCHES.

(a) IN GENERAL.—In order to provide the best possible data for the automated targeting system developed and operated by United States Customs and Border Protection under section 70116(b)(1) of title 46, United States Code, that identifies high-risk cargo for inspection before it is loaded in a foreign port for shipment to the United States, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, shall require importers shipping goods to the United States via cargo container to supply entry data not later than 24 hours before loading a container under the advance notification requirements under section 484(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)).

(b) DEADLINE.—The requirement imposed under subsection (a) shall apply to goods entered after July 1, 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated to the Secretary of Homeland Security to carry out the automated targeting system program to identify high-risk oceanborne container cargo for inspection—

(A) $30,700,000 for fiscal year 2007;

(B) $33,200,000 for fiscal year 2008; and

(C) $35,700,000 for fiscal year 2009.

(2) The amounts authorized by this subsection shall be in addition to any other amounts authorized to be appropriated to carry out that program.

SEC. —06. TECHNICAL REQUIREMENTS FOR NONINTRUSIVE INSPECTION EQUIPMENT.

Within 2 years after the date of enactment of this Act, the Commissioner of Customs and Border Protection, in consultation with the National Institute of Science and Technology, shall initiate a rulemaking to establish minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, that help ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary, while considering the need not to endorse specific companies or to create sovereignty conflicts with participating countries.

SEC. —07. RANDOM INSPECTION OF CONTAINERS.

Within 1 year after the date of enactment of this Act, the Commissioner of Customs and Border Protection shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

SEC. —08. CARGO SECURITY.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to withholding of clearance), as added by section 802(a)(2) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the

Coast Guard and Maritime Transportation Act of 2004, as section 70120;

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70122; and

(4) by inserting after section 70120, as redesignated by paragraph (2), the following:

"§ 70121. Container security initiative

''(a) IN GENERAL.—Pursuant to the standards established under subsection (b)(1) of section 70116—

''(1) the Secretary, through the Commissioner of Customs and Border Protection, shall issue regulations to—

''(A) evaluate and screen cargo documents prior to loading in a foreign port for shipment to the United States, either directly or via a foreign port; and

''(B) inspect high-risk cargo in a foreign port intended for shipment to the United States by physical examination or nonintrusive examination by technological means; and

''(2) the Commissioner of Customs and Border Protection shall execute inspection and screening protocols with authorities in foreign ports to ensure that the standards and procedures promulgated under paragraph (1) are implemented in an effective manner.

''(b) EXTENSION OF CONTAINER SECURITY INITIATIVE TO OTHER PORTS.—The Secretary, through the Commissioner of Customs and Border Protection, may designate foreign seaports under this section if, with respect to any such seaport, the Secretary determines that—

''(1) the seaport—

''(A) presents a significant level of risk;

''(B) is a significant port or origin or transshipment, in terms of volume or value, for cargo being imported to the United States; and

''(C) is potentially capable of validating a secure system of transportation pursuant to section 70116; and

''(2) the Department of State and representatives of the country with jurisdiction over the port have completed negotiations to ensure compliance with the requirements of the container security initiative.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

''(1) $142,000,000 for fiscal year 2007;

''(2) $144,000,000 for fiscal year 2008; and

''(3) $146,000,000 for fiscal year 2009.''.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

''70117. In rem liability for civil penalties and certain costs

''70118. Firearms, arrests, and seizure of property

''70119. Withholding of clearance

''70120. Enforcement by State and local officers

''70121. Container security initiative

''70122. Civil penalty''.

(2) Section 70117(a) of title 46, United States Code, is amended by striking ''section 70120'' and inserting ''section 70122''.

(3) Section 70119(a) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(A) by striking ''under section 70119,'' and inserting ''under section 70122,''; and

(B) by striking ''under section 70120,'' and inserting ''under that section,''.

(4) Section 111 of the Maritime Transportation Security Act of 2002 is repealed.

SEC. —09. SECURE SYSTEMS OF INTERNATIONAL INTERMODAL TRANSPORTATION.

Section 70116 of title 46, United States Code, is amended—

(1) by striking ''transportation.'' in subsection (a) and inserting ''transportation—

''(1) to ensure the security and integrity of shipments of goods to the United States from the point at which such goods are initially packed or loaded into a cargo container for international shipment until they reach their ultimate destination; and

''(2) to facilitate the movement of such goods through the entire supply chain through an expedited security and clearance program.''; and

(2) by striking subsection (b) and inserting the following:

''(b) PROGRAM ELEMENTS.—In establishing and conducting the program under subsection (a) the Secretary, acting through the Commissioner of Customs and Border Protection, shall—

''(1) establish standards and procedures for verifying, at the point at which goods are placed in a cargo container for shipping, that the container is free of unauthorized hazardous chemical, biological, or nuclear material and for securely sealing such containers after the contents are so verified;

''(2) establish standards and procedures for screening and evaluating cargo prior to loading in a foreign port for shipment to the United States either directly or via a foreign port;

''(3) establish standards and procedures for securing cargo and monitoring that security while in transit;

''(4) develop performance standards to enhance the physical security of shipping containers, including performance standards for seals and locks;

''(5) establish standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and

''(6) incorporate any other measures the Secretary considers necessary to ensure the security and integrity of international intermodal transport movements.

''(c) BENEFITS FROM PARTICIPATION.—The Commissioner of Customs and Border Protection may provide expedited clearance of cargo to an entity that—

''(1) meets or exceeds the standards established under subsection (b); and

''(2) certifies the security of its supply chain not less often than once every 2 years to the Secretary.''.

SEC. —10. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Within 1 year after date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate); and

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security.

SEC. —11. DEADLINE FOR TRANSPORTATION SECURITY CARDS.

The Secretary shall issue a final rule under section 70105 of title 46, United States Code, no later than January 1, 2007.

SEC. —12. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking ''for making a fair and equitable allocation of funds'' and inserting ''based on risk and vulnerability''.

(b) ELIGIBLE COSTS.—Section 70107(b) of title 46, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(c) LETTERS OF INTENT.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

''(5) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to port sponsors from the Fund.''.

SEC. —13. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM SECURITY VALIDATION PROGRAM.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, as amended by section —08 of this title, is further amended—

(1) by redesignating section 70122 (as redesignated by section —08(a)(3) of this title) as section 70123; and

(2) by inserting after section 70121 the following:

"§ 70122. Customs-Trade Partnership Against Terrorism validation program.

''(a) VALIDATION; RECORDS MANAGEMENT.—The Secretary of Homeland Security, through the Commissioner of Customs and Border Protection, shall issue regulations—

''(1) to strengthen the validation process to verify that security programs of members of the Customs-Trade Partnership Against Terrorism have been implemented and that the program benefits should continue by providing appropriate guidance to specialists conducting such validations, including establishing what level of review is adequate to determine whether member security practices are reliable, accurate, and effective; and

''(2) to implement a records management system that documents key decisions and significant operational events accurately and in a timely manner, including a reliable system for—

''(A) documenting and maintaining records of all decisions in the application through validation processes, including documentation of the objectives, scope, methodologies, and limitations of validations; and

''(B) tracking member status.

''(b) HUMAN CAPITAL PLAN.—Within 6 months after the date of enactment of the Maritime Security Improvement Act of 2006, the Secretary shall complete a human capital plan, that clearly describes how the Customs-Trade Partnership Against Terrorism program will recruit, train, and retain sufficient staff to conduct the work of the program successfully, including reviewing security profiles, vetting, and conducting validations to mitigate program risk.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out section 70122 of title 49, United States Code, not to exceed—

(1) $60,000,000 for fiscal year 2007;

(2) $65,000,000 for fiscal year 2008; and

(3) $72,000,000 for fiscal year 2009.

(c) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, as amended by section —08(b) of this title, is further amended by striking the item relating to section 70122 and inserting the following:

''70122. Customs-Trade Partnership Against Terrorism validation program

''70123. Civil penalty''.

(2) Section 70117(a) and 70119(a) of title 46, United States Code, as amended by section —08(b)(2) and (3), respectively, of this Act, are each amended by striking ''section 70122,'' and inserting ''section 70123,''.

SEC. —14. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) is amended by inserting after ''area.'' the following: ''In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action resulting from an employee-employer dispute.''.

SEC. —15. APPEAL OF DENIAL OF WAIVER FOR TRANSPORTATION SECURITY CARD.

Section 70105(c)(3) of title 46, United States Code, is amended by inserting ''or a waiver under paragraph (2)'' after ''card''.

SEC. —16. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

SA 3801. Mr. LEAHY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, line 7, strike ''$136,290,000'' and insert in lieu thereof ''$171,290,000''.

On page 88, line 6, strike ''$1,452,600,000'' and insert in lieu thereof the ''$1,417,600,000''.

SA 3802. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, line 25, strike ''$10,500,000'' and insert in lieu thereof ''$20,500,000''.

On page 88, line 6, strike ''$1,452,600,000'' and insert in lieu thereof the ''$1,442,600,000''.

On page 117, line 26, after ''That'' insert the following:

of the funds appropriated under this heading, $10,000,000 shall be made available for assistance for Guatemala for recovery and reconstruction activities related to Hurricane Stan: *Provided further*, That

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SA 3803. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . For purposes of oversight by and determining the termination date of the Office of the Special Inspector General for Iraq Reconstruction under section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 5 U.S.C. App. 8G note), as amended by section 1203 of the Ronald W. Reagan National Defense Authorization Act, 2005 (Public Law 108–375); 118 Stat. 2081), and section 599 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102; 119 Stat. 2240), the following funds shall be deemed amounts appropriated or otherwise made available for the Iraq Relief and Reconstruction Fund:

(1) Funds appropriated or otherwise made available by this Act for assistance for Iraq under the headings ''OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT'', ''ECONOMIC SUPPORT FUND'', ''INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT,'' and ''INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE''.

SA 3804. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, beginning on line 22, strike ''any shipbuilding contract'' and insert ''any existing shipbuilding contract of the Navy''.

SA 3805. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SIGN REPAIR OR REPLACEMENT

SEC. ____. Notwithstanding part 750 of title 23, Code of Federal Regulations (or a successor regulation), if permitted by State law, a nonconforming sign that is damaged, destroyed, abandoned, or discontinued as a result of an act of God (as defined by State law) may be repaired, replaced, or reconstructed if the replacement sign has the same dimensions as the original sign.

SA 3806. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 10 and 11, insert the following:

OFFICE OF THE PRESIDENTIAL SPECIAL ENVOY FOR SUDAN

SEC. 1202. Of the amount appropriated by this chapter for the Department of State for the administration of foreign affairs under the heading ''DIPLOMATIC AND CONSULAR PROGRAMS'', such sums as may be necessary shall be made available for the establishment and adequate support, including staffing, of the Office of the Presidential Special Envoy for Sudan. The mandate of the Office shall include coordinating efforts to implement the Comprehensive Peace Agreement for Sudan and making recommendations for restoring and maintaining stability and lasting peace for all of Sudan, including Darfur, and throughout the region, including Chad and northern Uganda.

SA 3807. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

CONFORMING CHANGES RELATED TO MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 7032. Section 2403(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163) is amended in paragraph (2) by striking ''$12,500,000'' and inserting ''$291,888,000'', and in paragraph (3) by striking ''$256,034,000'' and inserting ''$301,524,000''.

SA 3808. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SENSE OF THE SENATE ON SECURING THE UNITED STATES BORDERS

SEC. ____. (a) The Senate makes the following findings:

(1) The net growth of 500,000 unauthorized aliens entering the United States each year, and the potential for terrorists to take advantage of the porous borders of the United States, represent a clear and present danger to the national security of the Unites States.

(2) The inability to secure the international borders of the Unites States has given rise to an immigration crisis that has profound social, legal, and political ramifications.

(3) While assessing the identity and location of the approximately 11,000,000 unauthorized aliens currently in the United States, the Federal Government must simultaneously act to secure the borders and prevent further illegal entry.

(b) It is the sense of the Senate that—

(1) the President of the United States should demonstrate the highest level of commitment to securing the land and sea borders of the Unites States by using all the resources at the disposal of the President, including—

(A) declaring a state of emergency in States that share an international border with Mexico or Canada until such time as the President determines that—

(i) the additional resources and manpower provided by this Act are deployed; and

(ii) there is a significant reduction in the number of illegal aliens entering the United States;

(B) immediately deploying the Armed Forces, including the National Guard to such international borders;

(C) requiring each Cabinet Secretary to detail the resources and capabilities that their respective Federal agencies have available for use in securing the land and sea borders of the United States; and

(D) facilitating the development of a program to enable all willing citizens of the United States to contribute to securing the land and sea borders of the United States; and

(2) the President of Mexico should be encouraged to use all authority within the power of the President of Mexico to secure the international border between the United States and Mexico from illegal crossings.

SA 3809. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for

the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

REQUIRED DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDS

SEC. 7032. (a) Beginning not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall maintain and publish a list of the 25 largest (by dollar value) contracts, subcontracts, and task and delivery orders related to Hurricane Katrina recovery and reconstruction efforts that are awarded each month using funds appropriated or otherwise made available by this Act.

(b) The list published under subsection (a) shall include, with respect to each listed contract, subcontract, or task and delivery order—

(1) the name of the contractor or subcontractor;

(2) the amount of the contract, subcontract, or task and delivery order;

(3) the purpose of the contract, subcontract, or task and delivery order; and

(4) the duration of the contract, subcontract, or task and delivery order.

(c) The list required under subsection (a) shall—

(1) be published in newspapers of general circulation in the areas affected by Hurricane Katrina;

(2) be made available to the public on an accessible Federal Government Internet website; and

(3) include an electronic mail address and toll-free telephone number through which local residents may contact a contracting agency to report fraud, waste, or abuse under a contract.

SA 3810. Mr. OBAMA (for himself, Mr. COBURN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract exceeding $500,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code.

SA 3811. Mr. OBAMA (for himself, Mr. COBURN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

LIMITS ON ADMINISTRATIVE COSTS UNDER FEDERAL CONTRACTS

SEC. 7032. None of the funds appropriated by this Act may be used by an executive agency to enter into any Federal contract, grant, cooperative agreement, or task and delivery order for which the administrative overhead and contract management expenses exceed reasonable industry standards.

SA 3812. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 198, line 24, after the colon, insert the following: ''Provided further, That the limitation contained in section 8(o)(13)(B) of the United States Housing Act of 1937 shall not apply to the funds made available under the previous proviso:''.

SA 3813. Mr. OBAMA (for himself, Mr. BINGAMAN, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, between lines 8 and 9, insert the following:

EVACUATION OF INDIVIDUALS WITH SPECIAL NEEDS

SEC. 2504. The Secretary of Homeland Security, shall take appropriate actions to ensure that each State and each of the 75 largest urban areas, in the homeland security strategy or other homeland security plan for such State or urban area, provides detailed and comprehensive information regarding the predisaster and postdisaster plans of such State or urban area for the evacuation of individuals with special needs (including low-income individuals and families, disabled individuals, the homeless, individuals who do not speak English, and the elderly) in an emergency that would warrant their evacuation (including plans for the provision of food, water, and shelter for evacuees).

SA 3814. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Not later than 10 days after the date of enactment of this Act, the Secretary of Homeland Security, from amounts provided to the Department of Homeland Security under the heading ''Office of the Under Secretary for Management'' under title I of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90), shall make available $1,000,000 for the Center for Asbestos Related Disease in Libby, Montana.

SA 3815. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, line 22, insert '': *Provided,* That $1,000,000 shall be available for the Center for Asbestos Related Disease in Libby, Montana'' after ''$3,960,000''.

SA 3816. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE ARMED FORCES

SEC. 1312. (a) ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM.—The amount appropriated by this chapter under the heading ''DEFENSE HEALTH PROGRAM'' is hereby increased by $50,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading ''DEFENSE HEALTH PROGRAM'', as increased by subsection (a), $50,000,000 shall be available to expand resources available for mental health counseling and care, including, in particular, suicide prevention programs for members of the Armed Forces.

SA 3817. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 7017 (relating to the Office of Job Corps).

SA 3818. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

RENEGOTIATION OF EXISTING OIL AND NATURAL GAS LEASES

SEC. 7032. (a) The Secretary of the Interior (referred to in this section as the ''Secretary'') shall, to the maximum extent practicable, attempt to renegotiate each lease authorizing production of oil or natural gas on Federal land (including submerged land) issued by the Secretary before the date of enactment of this Act as the Secretary determines to be necessary to modify the terms of the lease to ensure that a suspension of a requirement to pay royalties under the lease is terminated.

(b) Unless a lessee renegotiates a lease described in subsection (a) and enters in an agreement with the Secretary to modify the terms of a lease in accordance with that subsection by the date that is 60 days after the date of enactment of this Act, the lessee shall not be eligible—

(1) to enter into a new lease that authorizes production of oil or natural gas on Federal land (including submerged land); or

(2) to obtain by sale or other transfer any lease described in subsection (a) that is issued before the end of the 60-day period.

SA 3819. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 140, strike from line 8 ''$10,000,000'' through line 15 ''years:'', and insert in its

place on page 140, line 8, after ''appropriated'' the following: ''$30 million shall be provided for the fishery finance program loans under title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1271 et seq,) to satisfy loan obligations for loans used to make expenditures, guarantee or finance to repair, replace or restore fisheries infrastructure, vessels, facilities, or fish processing facilities home-ported or located within the declared fisheries disaster area.''

SA 3820. Mr. OBAMA (for himself, Mr. LEVIN, Mr. BAYH, Ms. LANDRIEU, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 9, strike ''$10,000,000'' and all that follows through line 14 and insert the following: ''$11,000,000, to remain available until expended: Provided, That $1,000,000 shall be for the efforts of the Director of the Federal Emergency Management Agency, in consultation with the Secretary of Health and Human Services, ongoing on the date of enactment of this Act to assist individuals displaced by Hurricane Katrina of 2005, in locating members of their family: Provided further, That not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, shall conduct an assessment regarding how to modify the Louisiana family assistance call center model and the model used by the National Center for Missing and Exploited Children for use in major disasters (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) occurring after the date of enactment of this Act: Provided further, That not later than 1 year after the date of the conclusion of the assessment conducted under the preceding proviso, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, shall issue regulations to implement the findings of such assessment, to the maximum extent practicable: Provided further, That the amount provided under this heading is designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution in the budget for fiscal year 2006.''.

SA 3821. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

VISA WAIVER PROGRAM EXPANSION

SEC. ____. Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

''(8) PROBATIONARY ADMISSION.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, a country may be designated as a program country, on a probationary basis, under this section if—

''(i) the country is a member of the European Union;

''(ii) the country is providing material support, including more than a nominal number of military personnel, to the United States or the multilateral forces in Afghanistan or Iraq, as determined by the Secretary of Defense, in consultation with the Secretary of State;

''(iii) the Secretary of Homeland Security, in consultation with the Secretary of State, determines that participation of the country in the visa waiver program under this section does not compromise the law enforcement interests of the United States.

''(B) REFUSAL RATES; OVERSTAY RATES.—The determination under subparagraph (A)(iii) shall not take into account any refusal rates or overstay rates prior to the expiration of the first full year of the country's admission into the European Union.

''(C) FULL COMPLIANCE.—Not later than 2 years after the date of a country's designation under subparagraph (A), the country—

''(i) shall be in full compliance with all applicable requirements for program country status under this section; or

''(ii) shall have its program country designation terminated.

''(D) EXTENSIONS.—The Secretary of State may extend, for a period not to exceed 2 years, the probationary designation granted under subparagraph (A) if the country—

''(i) is making significant progress towards coming into full compliance with all applicable requirements for program country status under this section;

''(ii) is likely to achieve full compliance before the end of such 2-year period; and

''(iii) continues to be an ally of the United States against terrorist states, organizations, and individuals, as determined by the Secretary of Defense, in consultation with the Secretary of State.''.

SA 3822. Mr. INOUYE (for himself, Mr. STEVENS, Mr. SHELBY, Mr. SARBANES, Mr. ROCKEFELLER, Mr. REED, Mrs. BOXER, Mrs. CLINTON, and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

TITLE —IMPROVED PUBLIC TRANSPORTATION SECURITY

SEC. —101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Public Transportation Terrorism Prevention Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —101. Short title; table of contents.
Sec. —102. Findings and purpose.
Sec. —103. Security assessments.
Sec. —104. Security assistance grants.
Sec. —105. Intelligence sharing.
Sec. —106. Research, development, and demonstration grants.
Sec. —107. Reporting requirements.
Sec. —108. Authorization of appropriations.
Sec. —109. Sunset provision.

SEC. —102. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested $74,900,000,000 since 1992 for construction and improvements to the Nation's public transportation systems;

(6) the Federal Government appropriately invested $18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated $250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested $7.38 in aviation security improvements per passenger, but only $0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation's public transportation systems.

SEC. —103. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) REVIEW.—Not later than July 31, 2006, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section —104, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2006, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1), shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section —104.

(5) UPDATES.—Not later than July 31, 2007, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2006, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. —104. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section —103(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section —103(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section —103(a)(4); and

(F) other appropriate security improvements identified under section —103(a)(4), excluding routine, ongoing personnel costs.

(c) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(d) PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(e) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. —105. INTELLIGENCE SHARING.

(a) INTELLIGENCE SHARING.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) INFORMATION SHARING ANALYSIS CENTER.—

(1) ESTABLISHMENT.—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the ''ISAC'') established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) PUBLIC TRANSPORTATION AGENCY PARTICIPATION.—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. —106. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary of Homeland Security, in consultation with the Federal Transit Administration, shall award grants to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used to

(1) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(2) research imaging technologies;

(3) conduct product evaluations and testing; and

(4) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) REPORTING REQUIREMENT.—Each entity that receives a grant under this section shall report annually to the Department of Homeland Security on the use of grant funds received under this section.

(d) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee shall return any amount so used to the Treasury of the United States.

SEC. —107. REPORTING REQUIREMENTS.

(a) SEMI-ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31 and September 30 of each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections — 103 through 106;

(B) the amount of funds appropriated to carry out the provisions of each of sections — 103 through 106 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 of each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) CONTENTS.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. —108. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated $2,370,000,000 for fiscal year 2007 to carry out the provisions of section —104(a), which shall remain available until expended.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section —104(b)—

(1) $534,000,000 for fiscal year 2007;

(2) $333,000,000 for fiscal year 2008; and

(3) $133,000,000 for fiscal year 2009.

(c) INTELLIGENCE.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section —105.

(d) RESEARCH.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section —106, which shall remain available until expended.

SEC. —109. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2009.

TITLE —IMPROVED RAIL SECURITY

SEC. —201. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Rail Security Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —201. Short title; table of contents.
Sec. —202. Rail transportation security risk assessment.
Sec. —203. Systemwide AMTRAK security upgrades.
Sec. —204. Fire and life-safety improvements.
Sec. —205. Freight and passenger rail security upgrades.
Sec. —206. Rail security research and development.
Sec. —207. Oversight and grant procedures.
Sec. —208. AMTRAK plan to assist families of passengers involved in rail passenger accidents.
Sec. —209. Northern border rail passenger report.
Sec. —210. Rail worker security training program.
Sec. —211. Whistleblower protection program.
Sec. —212. High hazard material security threat mitigation plans.
Sec. —213. Memorandum of agreement.
Sec. —214. Rail security enhancements.
Sec. —215. Public awareness.
Sec. —216. Railroad high hazard material tracking.
Sec. —217. Authorization of appropriations.

SEC. —202. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY AND RISK ASSESSMENT.—The Secretary of Homeland Security shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a vulnerability and risk assessment of freight and

passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities describe in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

(B) identification and evaluation of critical assets and infrastructures;

(C) identification of vulnerabilities and risks to those assets and infrastructures;

(D) identification of vulnerabilities and risks that are specific to the transportation of hazardous materials via railroad;

(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(3) PLANS.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal government to provide increased security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) REPORT.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report containing the assessment, prioritized recommendations, and plans required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) ANNUAL UPDATES.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $5,000,000 for fiscal year 2007.

SEC. —203. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section —202, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AVAILABILITY OF FUNDS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(1) $63,500,000 for fiscal year 2007;

(2) $30,000,000 for fiscal year 2008; and

(3) $30,000,000 for fiscal year 2009.

Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. —204. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section —217(b) of this title, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $190,000,000 for fiscal year 2007;

(B) $190,000,000 for fiscal year 2008; and

(C) $190,000,000 for fiscal year 2009.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $19,000,000 for fiscal year 2007;

(B) $19,000,000 for fiscal year 2008; and

(C) $19,000,000 for fiscal year 2009.

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $13,333,000 for fiscal year 2007;

(B) $13,333,000 for fiscal year 2008; and

(C) $13,333,000 for fiscal year 2009.

(c) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section —217(b) of this title, there shall be made available to the Secretary of Transportation for fiscal year 2007 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45

days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. —205. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary of Homeland Security, through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section —202, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section —202, including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(c) ALLOCATION.—The Secretary shall distribute the funds authorized by this section based on risk and vulnerability as determined under section —202, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section —203(b) of this title.

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section —202 the Secretary of Homeland Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

(1) in excess of $45,000,000 to Amtrak; or

(2) in excess of $80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $100,000,000 for fiscal year 2007;

(2) $100,000,000 for fiscal year 2008; and

(3) $100,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

(g) HIGH HAZARD MATERIALS DEFINED.—In this section, the term ''high hazard materials'' means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

SEC. —206. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section —205(g) of this title; and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address vulnerabilities and risks identified under section —202.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary of Homeland Security shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) GRANTS AND ACCOUNTABILITY.—To carry out the research and development program, the Secretary may award grants to the entities described in section —205(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $35,000,000 for fiscal year 2007;

(2) $35,000,000 for fiscal year 2008; and

(3) $35,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. —207. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Homeland Security may use up to 0.5 percent of amounts made available for capital projects under the Rail Security Act of 2006 to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) of this subsection to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

(c) PROCEDURES FOR GRANT AWARD.—The Secretary shall, within 90 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

SEC. —208. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

''(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2006, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

''(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

''(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

''(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

''(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

''(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

''(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

''(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

''(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

''(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

''(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(f) FUNDING.—Out of funds appropriated pursuant to section —217(b) of the Rail Security Act of 2006, there shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''24316. Plan to assist families of passengers involved in rail passenger accidents.''.

SEC. —209. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in ''The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America'', dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the ''Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States'', dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. —210. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) RAILROAD CARRIER PROGRAMS.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(d) TRAINING.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term ''front-line workers'' means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. —211. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

"§ 20118. Whistleblower protection for rail security matters

''(a) DISCRIMINATION AGAINST EMPLOYEE.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security; or

''(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

''(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

''(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

''(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this title, including the burdens of proof, applies to any complaint brought under this section.

''(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

''(e) DISCLOSURE OF IDENTITY.—

''(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

''(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20117 the following:

''20118. Whistleblower protection for rail security matters.''.

SEC. —212. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section —205(g) of this title and of a quantity equal or exceeding the quantities of such material listed in subpart 172.800, title 49, Federal Code of Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) The term ''high-consequence target'' means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) The term ''catastrophic impact zone'' means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term ''rail carrier'' has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. —213. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Similar to the public transportation security annex between the two departments signed on September 8, 2005, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking ''safety'' the first place it appears, and inserting ''safety, including security,''.

SEC. —214. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Under''; and

(2) by striking ''the rail carrier'' each place it appears and inserting ''any rail carrier''.

(b) REVIEW OF RAIL REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration), shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. —215. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. —216. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section —206 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section —205(g) of this title) in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United

States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

SEC. —217. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

''(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security, (Transportation Security Administration) for rail security—

''(1) $206,500,000 for fiscal year 2007;

''(2) $168,000,000 for fiscal year 2008; and

''(3) $168,000,000 for fiscal year 2009.''.

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this title—

(1) $225,000,000 for fiscal year 2007;

(2) $223,000,000 for fiscal year 2008; and

(3) $223,000,000 for fiscal year 2009.

TITLE —IMPROVED MARITIME SECURITY

SEC. —301. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Maritime and Transportation Security Act of 2006.''

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE —IMPROVED MARITIME SECURITY

Sec. —301. Short title; table of contents.
Sec. —302. Establishment of additional interagency operational centers for port security.
Sec. —303. Area maritime transportation security plan to include salvage response plan.
Sec. —304. Assistance for foreign ports.
Sec. —305. Specific port security initiatives.
Sec. —306. Technical requirements for non-intrusive inspection equipment.
Sec. —307. Random inspection of containers.
Sec. —308. Port security user fee study.
Sec. —309. Port security grants.
Sec. —310. Work stoppages and employee-employer disputes.
Sec. —311. Inspection of car ferries entering from Canada.

SEC. —302. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish interagency operational centers for port security at all high priority ports.

(b) CHARACTERISTICS.—The interagency operational centers shall—

(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California, and the virtual operation center at the port of New York/New Jersey;

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating;

(3) provide for participation by—

(A) representatives of the United States Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, the Department of Defense, and other Federal agencies, as determined to be appropriate by the Secretary of Homeland Security;

(B) representatives of State and local law enforcement or port security agencies and personnel; and

(C) members of the area maritime security committee, as deemed appropriate by the captain of the port;

(4) be incorporated in the implementation of—

(A) maritime transportation security plans developed under section 70103 of title 46, United States Code;

(B) maritime intelligence activities under section 70113 of that title;

(C) short and long range vessel tracking under sections 70114 and 70115 of that title;

(D) secure transportation systems under section 70119 of that title;

(E) the United States Customs and Border Protection's screening and high-risk cargo inspection programs; and

(F) the transportation security incident response plans required by section 70104 of that title.

(c) 2005 ACT REPORT REQUIREMENT.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(d) BUDGET AND COST-SHARING ANALYSIS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a proposed budget analysis for implementing subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers.

(e) SECURITY CLEARANCE ASSISTANCE.—The Secretary of the department in which the Coast Guard is operating may assist non-Federal personnel described in subsection (b)(3)(B) or (C) in obtaining expedited appropriate security clearances and in and maintaining their security clearances.

(f) SECURITY INCIDENTS.—During a transportation security incident (as defined in section 70101(6) of title 46, United States Code) involving a port, the Coast Guard Captain of the Port designated by the Commandant of the Coast Guard in each joint operations center for maritime security shall act as the incident commander, unless otherwise directed under the National Maritime Transportation Security Plan established under section 70103 of title 46, United States Code.

SEC. —303. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) include a salvage response plan—

''(i) to identify salvage equipment capable of restoring operational trade capacity; and

''(ii) to ensure that the flow of cargo through United States ports is re-established as efficiently and quickly as possible after a transportation security incident.''.

SEC. —304. ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 70109. International cooperation and coordination''; and

(2) by adding at the end the following:

''(c) FOREIGN ASSISTANCE PROGRAMS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of Energy, and the Commandant of the United States Coast Guard, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

''(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the United States Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

''(A) the strategic location of such ports between South America and United States;

''(B) the relative openness of such ports; and

''(C) the significant number of shipments of narcotics to the United States that are moved through such ports.

''(d) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Standards Organization, as appropriate—

''(1) to promote standards for the security of containers and other cargo moving within the international supply chain;

''(2) to encourage compliance with minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, established under section ——— of the Maritime and Transportation Security Act of 2006 Act;

''(3) to implement the requirements of the container security initiative under section 70117; and

''(4) to implement standards and procedures established under section 70119.''.

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on the security of ports in the Caribbean Basin. The report—

(1) shall include—

(A) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(B) an estimate of the number of ports in the Caribbean Basin that will not be secured by January 1, 2007, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(C) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(2) may be submitted in both classified and redacted formats.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70901 and inserting the following:

''70901. International cooperation and coordination''.

SEC. —305. SPECIFIC PORT SECURITY INITIATIVES.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to withholding of clearance), as added by section 802(a)(2) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70120;

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70122;

(4) by striking section 70116;

(5) by redesignating sections 70117 through 70122 (as redesignated) as sections 70120 through 70126; and

(5) by inserting after section 70115 the following:

''§ 70116. Automated targeting system

''(a) IN GENERAL.—The Secretary shall develop and maintain an antiterrorism cargo identification and screening system for containerized cargo shipped to the United States either directly or via a foreign port to assess imports and target those imports which pose a high risk of containing contraband.

''(b) 24-HOUR ADVANCE NOTIFICATION.—In order to provide the best possible data for the automated targeting system, the Secretary shall require importers shipping goods to the United States via cargo container to supply advanced trade data not later than 24 hours before loading a container under the advance notification requirements under section 484(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)). The requirement shall apply to goods entered after July 1, 2007.

''(c) SECURE TRANSMISSION; CONFIDENTIALITY.—All information required by the Secretary from supply chain partners under this section shall—

''(1) be transmitted in a secure fashion, as determined by the Secretary, so as to protect the information from unauthorized access; and

''(2) shall not be subject to public disclosure under section 552 of title 5.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) There are authorized to be appropriated to the Secretary of Homeland Security to carry out the automated targeting system program to identify high-risk oceanborne container cargo for inspection—

''(A) $30,700,000 for fiscal year 2007;

''(B) $33,200,000 for fiscal year 2008; and

''(C) $35,700,000 for fiscal year 2009.

''(2) The amounts authorized by this subsection shall be in addition to any other amounts authorized to be appropriated to carry out that program.

''§ 70117. Container security initiative

''(a) IN GENERAL.—The Secretary shall issue regulations to—

''(1) evaluate and screen cargo documents prior to loading in a foreign port for shipment to the United States, either directly or via a foreign port; and

''(2) inspect high-risk cargo in a foreign port intended for shipment to the United States by physical examination or nonintrusive examination by technological means.

''(b) IMPLEMENTATION.—The Commissioner of Customs and Border Protection shall execute inspection and screening protocols with authorities in foreign ports to ensure that the standards and procedures promulgated under subsection (a) are implemented in an effective manner.

''(c) APPLICATION OF CONTAINER SECURITY INITIATIVE TO OTHER PORTS.—

''(1) IN GENERAL.—The Secretary, through the Commissioner of Customs and Border Protection, may designate foreign seaports under this section if, with respect to any such seaport, the Secretary determines that—

''(A) the seaport—

''(i) presents a significant level of risk;

''(ii) is a significant port or origin or transshipment, in terms of volume or value, for cargo being imported to the United States; and

''(iii) is potentially capable of validating a secure system of transportation pursuant to section 70119; and

''(B) the Department of State and representatives of the country with jurisdiction over the port have completed negotiations to ensure compliance with the requirements of the container security initiative.

''(2) COORDINATION WITH INTERNATIONAL CARGO SECURITY STANDARDS.—In carrying out paragraph (a), the Secretary shall—

''(A) consult with the Secretary of State concerning progress under section 70109(d); and

''(B) coordinate activities under paragraph (1) with activities conducted under that section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

''(1) $142,000,000 for fiscal year 2007;

''(2) $144,000,000 for fiscal year 2008; and

''(3) $146,000,000 for fiscal year 2009.

''§ 70118. Customs-Trade Partnership Against Terrorism validation program

''(a) IN GENERAL.—The Secretary shall establish a voluntary program to strengthen and improve the overall security of the international supply chain and United States border security.

''(b) VALIDATION; RECORDS MANAGEMENT.—The Secretary shall issue regulations—

''(1) to strengthen the validation process to verify that security programs of members of the Customs-Trade Partnership Against Terrorism have been implemented and that the program benefits should continue by providing appropriate guidance to specialists conducting such validations, including establishing what level of review is adequate to determine whether member security practices are reliable, accurate, and effective; and

''(2) to implement a records management system that documents key decisions and significant operational events accurately and in a timely manner, including a reliable system for—

''(A) documenting and maintaining records of all decisions in the application through validation processes, including documentation of the objectives, scope, methodologies, and limitations of validations; and

''(B) tracking member status.

''(b) HUMAN CAPITAL PLAN.—Within 6 months after the date of enactment of the Transportation Security Improvement Act of 2005, the Secretary shall complete a human capital plan, that clearly describes how the Customs-Trade Partnership Against Terrorism program will recruit, train, and retain sufficient staff to conduct the work of the program successfully, including reviewing security profiles, vetting, and conducting validations to mitigate program risk.

''(c) REVALIDATION.—The Secretary shall establish a process for revalidating C–TPAT participants. Such revalidation shall occur not less frequently than once during every 3-year period following validation.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not to exceed—

''(1) $60,000,000 for fiscal year 2007;

''(2) $65,000,000 for fiscal year 2008; and

''(3) $72,000,000 for fiscal year 2009.

''§ 70119. Secure systems of transportation

''(a) IN GENERAL.—The Secretary shall establish a program, to be known as the 'GreenLane program', to evaluate and certify secure systems of international intermodal transportation—

''(1) to ensure the security and integrity of shipments of goods to the United States from the point at which such goods are initially packed or loaded into a cargo container for international shipment until they reach their ultimate destination; and

''(2) to facilitate the movement of such goods through the entire supply chain through an expedited security and clearance program.

''(b) PROGRAM ELEMENTS.—In establishing and conducting the program under subsection (a) the Secretary, acting through the Commissioner of Customs and Border Protection, shall—

''(1) establish standards and procedures for verifying, at the point at which goods are placed in a cargo container for shipping, that the container is free of unauthorized hazardous chemical, biological, or nuclear material and for securely sealing such containers after the contents are so verified;

''(2) ensure that cargo is loaded at a port designated under section 70117 for shipment to the United States;

''(3) develop performance standards to enhance the physical security of shipping containers, including performance standards for container security devices;

''(4) establish standards and procedures for securing cargo and monitoring that security while in transit;

''(5) ensure that cargo complies with additional security criteria established by the Secretary beyond the minimum requirements for C–TPAT participation under section 70118, particularly in the area of access controls;

''(6) establish standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and

''(7) incorporate any other measures the Secretary considers necessary to ensure the security and integrity of international intermodal transport movements.

''(c) BENEFITS FROM PARTICIPATION.—

''(1) ELIGIBILITY.—The Commissioner of Customs and Border Protection may by regulation provide for expedited clearance of cargo for an entity that—

''(A) meets or exceeds the standards established under subsection (b); and

''(B) certifies the security of its supply chain not less often than once every 2 years to the Secretary.

''(2) BENEFITS.—The expedited clearance provided under paragraph (1) to any eligible entity may include—

''(A) the expedited release of GreenLane cargo into destination ports within the United States during all threat levels designated by the Secretary or the Commandant of the Coast Guard;

''(B) reduced or eliminated bonding requirements for GreenLane cargo;

''(C) priority processing for searches;

''(D) further reduced scores in the automated targeting system; and

''(E) streamlined billing of any customs duties or fees.

''(d) CONSEQUENCES OF LACK OF COMPLIANCE.—

''(1) IN GENERAL.—Any participant whose security measures and supply chain security practices have been determined by the Secretary to be out of compliance with any requirements of the program shall be denied benefits under the program.

''(2) RIGHT OF APPEAL.—Any participant determined by the Secretary under paragraph (1) not to be in compliance with the requirements of the program may appeal that determination to the Secretary.''.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

''70116. Automated targeting system
''70117. Container security initiative
''70118. Customs-Trade Partnership Against Terrorism validation program
''70119. Secure systems of transportation
''70120. In rem liability for civil penalties and certain costs
''70121. Firearms, arrests, and seizure of property
''70122. Withholding of clearance
''70123. Enforcement by State and local officers
''70124. Container security initiative
''70125. Civil penalty''.

(2) Section 70117(a) of title 46, United States Code, is amended by striking ''section 70120'' and inserting ''section 70125''.

(3) Section 70119(a) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(A) by striking ''under section 70119,'' and inserting ''under section 70125,''; and

(B) by striking ''under section 70120,'' and inserting ''under that section,''.

SEC. —306. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE INSPECTION EQUIPMENT.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Domestic Nuclear Detection Office, in consultation with the National Institute of Science and Technology and the U.S. Customs and Border Protection, shall initiate a rulemaking—

(1) to establish minimum technical requirements for the capabilities of non-intrusive inspection equipment for cargo, including imaging and radiation devices; and

(2) to ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary.

(b) ENDORSEMENTS; SOVEREIGNTY CONFLICTS.—In establishing such requirements, the Domestic Nuclear Detection Office shall be careful to avoid the endorsement of products associated with specific companies and the creation of sovereignty conflicts with participating countries.

(c) RADIATION SAFETY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a plan to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Appropriations, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Appropriations that—

(1) details the health and safety impacts of nonintrusive inspection technology; and

(2) describes the policy of the Bureau of Customs and Border Protection for using nonintrusive inspection equipment.

(d) FINAL RULE DEADLINE.—The Domestic Nuclear Detection Office shall issue a final rule under subsection (a) within 1 year after the rulemaking proceeding is initiated.

SEC. —307. RANDOM INSPECTION OF CONTAINERS.

Within 1 year after the date of enactment of this Act, the Commissioner of Customs and Border Protection shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

SEC. —308. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Within 1 year after date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate); and

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security.

SEC. —309. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking ''for making a fair and equitable allocation of funds'' and inserting ''based on risk and vulnerability''.

(b) ELIGIBLE COSTS.—Section 70107(b) of title 46, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(c) LETTERS OF INTENT.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

''(5) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to port sponsors from the Fund.''.

(d) OPERATION SAFE COMMERCE.—Section 70107(i) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following:

''(4) OPERATION SAFE COMMERCE.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the [To be supplied] Act, the Secretary shall initiate grant projects that—

''(i) integrate nonintrusive inspection and radiation detection equipment with automatic identification methods for containers, vessels, and vehicles;

''(ii) test physical access control protocols and technologies;

''(iii) create a data sharing network capable of transmitting data required by entities participating in the international supply chain from every intermodal transfer point to the National Targeting Center of the Department; and

''(iv) otherwise further maritime and cargo security, as determined by the Secretary.

''(B) SUPPLY CHAIN SECURITY FOR SPECIAL CONTAINER AND NONCONTAINERIZED CARGO.—The Secretary shall consider demonstration projects that further the security of the international supply chain for special container cargo, including refrigerated containers, and noncontainerized cargo, including roll-on/roll-off, break-bulk, liquid, and dry bulk cargo.

''(C) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary shall submit a report detailing the results of Operation Safe Commerce to—

''(i) the Senate Committee on Commerce, Science, and Transportation;

''(ii) the Senate Committee on Homeland Security and Governmental Affairs;

''(iii) the House of Representatives Committee on Homeland Security;

''(iv) the Senate Committee on Appropriations; and

''(v) the House of Representatives Committee on Appropriations.''.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The Secretary of Homeland Security shall—

(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

(2) encourage the ingenuity of the private sector in developing and testing technologies and process innovations in furtherance of these objectives; and

(3) evaluate such technologies.

(f) COORDINATION.—The Secretary of Homeland Security, acting through the Undersecretary for Science and Technology, in consultation with the Assistant Secretary for Policy, the Director of Cargo Security Policy, and the Chief Financial Officer, shall ensure that—

(1) research, development, test, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department, as appropriate.

SEC. —310. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) is amended by inserting after ''area.'' the following: ''In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action resulting from an employee-employer dispute.''.

SEC. —311. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

SA 3823. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 14 after ''That'' insert the following:

of the funds appropriated under this heading, not less than $3,300,000 shall be made

available for assistance for the Peace and Justice Unit of the Colombian Fiscalia notwithstanding section 599E of Public Law 109–102: *Provided further*, That

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SA 3824. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 3613 submitted by Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. CHICAGO SANITARY AND SHIP CANAL DEMONSTRATION BARRIER, ILLINOIS.

(a) IN GENERAL.—Of the unobligated balances available for ''OPERATION AND MAINTENANCE'' under the heading ''CORPS OF ENGINEERS—CIVIL'' of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2250), $400,000 shall be made available for fiscal year 2006 for the maintenance of the Chicago Sanitary and Ship Canal Demonstration Barrier, Illinois, which was constructed under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)).

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking '', to carry out this paragraph, $750,000'' and inserting ''such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Monday, May 8, 2006 at 3 p.m. in room SD–366 of the Dirksen Building.

The purpose of the hearing is to receive testimony regarding issues associated with the implementation of the provisions of the Energy Policy Act of 2005 addressing licensing of hydroelectric facilities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Kellie Donnelly at (202) 224–9360 or Steve Waskiewicz at (202) 228–6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, May 1 at 2:30 p.m. The purpose of this hearing is to receive testimony regarding the economic and environmental issues associated with coal gasification technology and on implementation of the provisions of the Energy Policy Act of 2005 addressing coal gasification.

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

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that Darren Benjamin, a detailee to the Committee on Appropriations, and Chris Heggem of committee staff be granted floor privileges during the debate on H.R. 4939.

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

GERMAN RELEASE OF MOHAMMAD ALI HAMMADI

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 457, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 457) expressing the sense of the Senate that the citizens of the United States and the United States Government have serious concerns regarding the release of convicted terrorist and murderer Mohammad Ali Hammadi by the Government of Germany.

There being no objection, the Senate proceeded to consider the resolution.

Mr. VITTER. Mr. President, I rise in support of S. Res. 457, expressing the Senate's disappointment with the government of Germany concerning their release of convicted terrorist and murderer Mohammad Ali Hammadi.

The German government in December of 2005 released Mohammad Ali Hammadi, a Hezbollah leader who killed U.S. Navy diver Robert Dean Stethem in the June 1985 Hezbollah hijacking of TWA Flight 847. Coincidentally, a few days later Susanne Osthoff, a German hostage was released. Mr. Stethem was savagely beaten and then executed for refusing the demands of his hijackers. Hammadi and his fellow terrorists escaped, but Hammadi was eventually arrested in Germany in 1987 for traveling with liquid explosives and sentenced to life in prison for the murder of Mr. Stethem. Hammadi's other accomplices are still part of the FBI's most wanted list and have a 15 million dollar bounty on their heads.

The German government released Hammadi despite a U.S. request for his extradition to face numerous charges of terrorism. He was sentenced to life yet only served 18 years. Furthermore, despite our longstanding agreement to honor each others' extradition requests the German government flew Hammadi to Lebanon to reunite with his brothers who are senior Hezbollah leaders. The Germans did this despite knowing the United States does not have an extradition treaty with the government of Lebanon.

Sadly, the family of United States Navy diver Robert Dean Stethem was not notified in advance of Mr. Hammadi's release. Mr. Stethem is an American hero who was posthumously awarded the Bronze Star and Purple Heart and is buried at Arlington National Cemetery. He also has a United States Navy ship named in his honor called the USS *Stethem*.

We should continue to call on Lebanon to hand over Hammadi and other wanted terrorists to face trial in the United States, and we urge Lebanon to comply with such requests in order to help foster better relations between the United States and Lebanon. While the United States should continue to assist Lebanon in democratic reform initiatives, we must see results in denying refuge to some of the world's most wanted terrorists. The people of Lebanon have made great strides in recent times but the government of Lebanon must understand that continuing to harbor terrorists will only further isolate them from the international community and put future financial aid in doubt.

The murderers of Robert Stethem must be brought to justice, and a clear message must be sent that the brutal murder of American service members or civilians will neither be tolerated nor forgotten.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 457) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 457

Whereas, although the Government of Germany has been a significant partner in combating international terrorism, their release of Mohammad Ali Hammadi was a grave and unfortunate mistake;

Whereas, in 1985, Mr. Hammadi, along with Hasan Izz-Al-Din, Ali Atwa, and Imad Fayez Mugniyah, hijacked Trans World Airlines Flight 847, and subsequently escaped from the scene of the hijacking;

Whereas United States Navy Petty Officer Robert Dean Stethem was singled out during the hijacking of Trans World Airlines Flight 847 because he was a serviceman of the United States, savagely beaten before being executed, and dumped on the tarmac of Beirut International Airport;

Whereas Petty Officer Stethem was posthumously awarded the Bronze Star and Purple Heart and buried at Arlington National Cemetery;

Whereas, in 1987, Mr. Hammadi was arrested at Frankfurt Airport while carrying liquid explosives in his luggage;

Whereas, in 1989, Mr. Hammadi, a Shiite militant from Lebanon, was convicted in a court in Germany for the brutal killing of Petty Officer Stethem and was sentenced to life in prison in Germany;

Whereas, after less than 19 years behind bars Mr. Hammadi was released in December 2005 and flown to Lebanon by the Government of Germany even though the United States does not have an extradition treaty with the Government of Lebanon; and

Whereas the release of Mr. Hammadi came in the face of strong opposition from the United States Government, and Petty Officer Stethem's parents were not even informed in advance that the killer of their son was to be released; Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the unfortunate actions of the Government of Germany with respect to Mohammad Ali Hammadi have undermined the joint efforts by the United States Government and the Government of Germany to effectively combat international terrorism;

(2) the early release of Mr. Hammadi sends a signal of weakness to terrorist groups such as Hezbollah and could increase the likelihood of further terrorist attacks against the citizens of Europe and the rest of the world;

(3) the United States Government should continue to call on the Government of Lebanon to hand over Mr. Hammadi and other known terrorists so that they may face trial in the United States;

(4) the United States Government should take all appropriate steps to secure the arrest of Mr. Hammadi and his fellow hijackers and their transfer to the United States for trial; and

(5) the murderers of United States Navy Petty Officer Robert Dean Stethem must be brought to justice, and a clear message must be sent to the international community that the brutal murder of service members or civilians of the United States will neither be tolerated nor forgotten.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Continued

AMENDMENTS NOS. 3791; 3648, AS MODIFIED; 3630; AND 3631

Mr. FRIST. Mr. President, I ask unanimous consent that it be in order to resume the supplemental appropriations bill; provided further that the following amendments be considered and agreed to: Nos. 3791; 3648, as modified; 3630; and 3631.

I further ask unanimous consent that the motions to reconsider be laid upon the table and the Senate resume a period of morning business.

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

The amendment (No. 3648), as modified, was agreed to.

The amendment (Nos. 3630, 3631, and 3791) were agreed to, as follows:

AMENDMENT NO. 3630

(Purpose: To require the Administrator of the Small Business Administration to report to Congress on the status of its 2006 Atlantic hurricane season disaster response plan)

On page 142, after line 24, insert the following:

GENERAL PROVISIONS—THIS CHAPTER

HURRICANE RESPONSE PLAN FOR THE 2006 HURRICANE SEASON

SEC. 2201. (a) In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''Disaster Loan Program'' means the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636);

(3) the term ''major disaster'' has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(4) the term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632);

(5) the term ''system'' means the Disaster Credit Management System of the Administration; and

(6) the term ''2006 Atlantic hurricane season'' means the period beginning on June 1, 2006, and ending on November 30, 2006.

(b) Not later than May 31, 2006, the Administrator shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the status of the disaster response plan of the Administration for the 2006 Atlantic hurricane season.

(c) The report required under subsection (b) shall include—

(1) the plan of the Administrator for responding quickly and efficiently after the occurrence of a major disaster during the 2006 Atlantic hurricane season and subsequent major disasters (including preparation and planning for disaster response resources and staff, such as identifying loss verifiers and technical assistance staff to deploy to potential disaster areas in advance of chartable events such as hurricanes);

(2) a description of how the Administrator plans to integrate and coordinate the response to a major disaster with the staff and resources of the Federal Emergency Management Agency (including details on where and when joint training sessions are planned during the 2006 Atlantic hurricane season);

(3) a description of how the Administrator plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration (including the small business development centers);

(4) the contingency plans of the Administration, if any, for handling increases in the volume of applications under the Disaster Loan Program during the 2006 Atlantic hurricane season (including detailed plans for using local banks, credit unions, and businesses in an area in which the President declares a major disaster or the hiring of additional loan processing and loss verification staff);

(5) any available or revised surge plans for the system (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(6) information on the plans of the Administration, if any, for upgrading the Disaster Loan Program application processing system, including—

(A) the user capacity of the system; and

(B) the estimated cost for upgrading the software and equipment to handle additional users;

(7) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(8) information (including potential cost estimates) on whether—

(A) the Administrator plans to hire full-time planning staff during the 2006 Atlantic hurricane season; and

(B) such full-time planner would be hired in the Office of Disaster Assistance or in another office of the Administration;

(9) the inservice and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster);

(11) information on the procurement procedures of the Administration for acquiring equipment and staff, including—

(A) standard procurement procedures during nondisaster periods;

(B) standard procurement procedures before and after major disasters;

(C) whether the Administration meets the criteria to be exempt from the normal General Services Administration procurement process for its disaster response; and

(D) whether any administrative or legislative changes are needed to allow the Administration to be exempt from the normal General Service Administration procurement process in response to a disaster; and

(12) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005.

AMENDMENT NO. 3631

(Purpose: To require monthly reporting regarding the Disaster Loan Program of the Small Business Administration)

On page 142, after line 24, insert the following:

GENERAL PROVISIONS—THIS CHAPTER

DISASTER LOAN PROGRAM MONTHLY ACCOUNTING REPORT

SEC. 2201. (a) In this section—

(1) the term ''applicable period'' means the period beginning on the date on which the President declares a major disaster and ending on the date that is 30 days after the later of the closing date for applications for physical disaster loans for such disaster and the closing date for applications for economic injury disaster loans for such disaster; and

(2) the term ''major disaster'' has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(b) Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator of the Small Business Administration shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for such disaster during the preceding month.

(c) Each report under subsection (b) shall include—

(1) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(2) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(3) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(4) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased, noting the source of any additional funding;

(5) an estimate of how long the available funding for such loans will last, based on the spending rate;

(6) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(7) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under subsection (b);

(8) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased, noting the source of any additional funding; and

(9) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

AMENDMENT NO. 3791

(Purpose: To clarify the availability and use of funds)

On page 176, strike lines 4 through 7 and insert the following:

December 31, 2006, for part A of title V of the Elementary and Secondary Education Act of 1965 (''ESEA'') for allocations to States for necessary expenses in the 2006-2007 academic year related to the consequences of Hurricanes Katrina and Rita: Provided further, That, notwithstanding the allotment formula described in section 5111 of the ESEA, funds made available in the preceding proviso shall be allocated to each eligible State educational agency on the basis of its relative share of displaced students (as that term is defined in section 107(b)(1) of title IV of division B of Public Law 109-148) enrolled on October 1, 2006, provided that the number of displaced students enrolled in public and private elementary schools and secondary schools in the State is not less than 1 percent of the total fourth quarter displaced student enrollment count of the 2005-2006 academic year: Provided further, That, notwithstanding the allocation formula described in section 5112 of the ESEA, each State educational agency shall make 100 percent of funds available under such proviso to local educational agencies on the basis of each local educational agency's relative share of displaced students on October 1, 2006: Provided further, That such local educational agencies shall use such funds in accordance with sections 5131 and 5142 of the ESEA: Provided further, that the

MORNING BUSINESS

The PRESIDING OFFICER. The Senate will return to a period of morning business.

SUPPORT OF THE SENATE TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS

Mr. FRIST. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration and the Senate proceed to the consideration of S. Res. 415.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill be title.

The legislative clerk read as follows:

A resolution (S. Res. 415) expressing the continuing support of the Senate to the Junior Reserve Officers' Training Corps, and commending the efforts of that vital program as it carries out its mission of instilling the values of citizenship and service in the hearts and minds of the youth of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider laid upon the table.

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

The resolution (S. Res. 415) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 415

Whereas, since its inception in 1913, the Junior Reserve Officers' Training Corps has successfully functioned for over 90 years;

Whereas the Junior Reserve Officers' Training Corps has provided citizenship training, discipline, stability, and patriotic values to the youth of the United States throughout the Nation;

Whereas millions of students have benefitted from the Junior Reserve Officers' Training Corps;

Whereas, in 2005, there were over 500,000 students enrolled in Junior Reserve Officers' Training Corps programs in approximately 3,400 secondary schools; and

Whereas the Junior Reserve Officers' Training Corps is taught by a dedicated cadre of retired officers and staff non-commissioned officers of the Armed Forces who love the United States and who are working to secure its future: Now, therefore, be it

Resolved, That the Senate—

(1) expresses appreciation to the Junior Reserve Officers' Training Corps for—

(A) the leadership training that the program provides to the youth of the United States; and

(B) the outstanding results that the program has achieved;

(2) commends the professionalism and dedication displayed daily by the retired members of the United States Armed Forces who serve as instructors in the Junior Reserve Officers' Training Corps; and

(3) proudly honors the modern-day members of the Junior Reserve Officers' Training Corps, who represent a promising group of young men and women who continue to strive to achieve their full potential.

MEASURE PLACED ON CALENDAR—H.R. 5020

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 5020) to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

ORDERS FOR TUESDAY, MAY 2, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, May 2. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the Proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 1 hour, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; that upon the use or yielding back of the time, the Senate proceed to the consideration of H.R. 4939 and immediately proceed to a vote on the motion to invoke cloture. I further ask unanimous consent that second-degree amendments be filed by 10:30 a.m. tomorrow.

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

Mr. REID. Mr. President, there will be time, of course, for debate prior to the vote; is that right?

The PRESIDING OFFICER. This unanimous consent agreement supersedes that agreement.

Mr. REID. Mr. President, I think prior to this vote, we should have time to talk about it. The hour is set aside for morning business?

Mr. FRIST. The unanimous consent request, Mr. President, was that the Senate proceed to a period for morning business—we are calling it morning business—for up to an hour, a total of an hour, with 30 minutes under the control of the Democratic leader and 30 minutes under my control, which allows us to be on the bill.

Mr. REID. Parliamentary inquiry: What time would that vote take place approximately?

The PRESIDING OFFICER. Approximately at 10:45 a.m. if all time is used.

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

The PRESIDING OFFICER. The majority leader has the floor.

Mr. FRIST. Mr. President, I asked consent that second-degree amendments be filed by 10:30 a.m. tomorrow, and that unanimous consent request is still pending?

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

Mr. FRIST. Mr. President, it will probably be more likely around 11

o'clock or 10:50, 10:55 tomorrow morning, maybe 11 o'clock, that we will have the cloture vote on the emergency supplemental appropriations bill. That will be the first vote of the day, and that is when the clock will start ticking.

Remember, Senators have a filing deadline for any second-degree amendments at 10:30 tomorrow morning. We have a lot of amendments to work through over the course of the postcloture time and will likely be having votes throughout the day. I know a number of people will be coming up to push votes until after committee meetings and hearings. We have to keep effectively and efficiently going through the votes in this postcloture period. I do expect cloture to be invoked, and we will need to vote on those pending amendments which are qualified under the cloture rule.

It is my expectation to continue to run postcloture on Tuesday and Wednesday until we complete the bill.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:34 p.m., adjourned until Tuesday, May 2, 2006, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate May 1, 2006:

DEPARTMENT OF COMMERCE

JOHN M. R. KNEUER, OF NEW JERSEY, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION, VICE MICHAEL D. GALLAGHER, RESIGNED.

DEPARTMENT OF THE TREASURY

PAUL CHERECWICH, JR., OF UTAH, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2009, VICE CHARLES L. KOLBE, TERM EXPIRED.

DONALD V. HAMMOND, OF VIRGINIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 21, 2010, VICE ROBERT M. TOBIAS, TERM EXPIRED.

CATHERINE G. WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008, VICE KAREN HASTIE WILLIAMS, TERM EXPIRED.

DEBORAH L. WINCE-SMITH, OF VIRGINIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2010, VICE LARRY L. LEVITAN, TERM EXPIRED.

DEPARTMENT OF STATE

DAWN M. LIBERI, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

WILLIAM B. TAYLOR, JR., OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO UKRAINE.

MICHAEL WOOD, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWEDEN.

CONFIRMATION

Executive nomination confirmed by the Senate: Monday, May 1, 2006

THE JUDICIARY

MICHAEL RYAN BARRETT, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO.