United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, TUESDAY, SEPTEMBER 12, 2006 No. 112

Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable JOHN THUNE, a Senator from the State of South Dakota.

PRAYER

The PRESIDING OFFICER. Today the Senate will be led in prayer by our guest Chaplain, Dr. Clyde P. Thomas, of Cherokee Avenue Baptist Church, in Gaffney, SC.

The guest Chaplain offered the following prayer:

Would you join with me as we pray.

Gracious God, our heavenly Father, we humbly come to You today to seek Your guidance knowing we can take only one step at a time. Illuminate each step as only You can, and keep us strong in our path.

O Lord, grant that we live together as people of vision and understanding, as well as promise and peace.

We pray for our President and the Members of this body as they serve our Nation. Encourage and strengthen them with Your power and wisdom. Protect our military and law enforcement men and women. Give comfort to their families and refresh their spirits. Make us mindful of our responsibilities and grateful for our opportunities to do Your will.

We pray this in the Name above every other name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN THUNE 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 12, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN THUNE, a Senator from the State of South Dakota, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. THUNE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, following 30 minutes set aside for morning business, we return to the port security legislation. Yesterday we were able to adopt the McCain rail security amendment, as amended, and today we have scheduled a vote, to begin at noon, on Senator DEMINT's amendment on a national alert system. The vote at noon will be the first vote of the day. Following that vote, the Senate will recess for the weekly policy meetings to occur. For the remainder of the afternoon and evening, we will make further progress on the bill, with additional rollcall votes expected. It is my hope Senators will continue to work with the managers on their amendments, and that will allow us to schedule votes as necessary.

I do want to thank all Senators for participating in yesterday's east front observance of the anniversary of September 11. It was an emotional day across this country, and I was proud to stand with my Senate and House colleagues during that important tribute.

Mr. President, I will be happy to turn to the Democratic leader for any announcements, but I do have a short statement to make.

GUANTANAMO BAY

Mr. FRIST. Mr. President, I do want to briefly comment on a very short trip I took on Sunday, when I visited Guantanamo Bay, Cuba, along with Senator MCCONNELL and Senator SPECTER.

It was my first visit to the detainee facility there. We received extensive briefings over the course of the day from Admiral Harris and other base administrators. We took that opportunity to tour five of the detainee camps, as well as visit the medical facilities and visit with the health personnel there.

Bottom line, I left there very impressed with the care and the respect our military affords the detainees kept at Guantanamo. As most of my colleagues know who have visited there—and I am glad to report that many have visited there over the last several years—each detainee receives a copy of the Koran. Arrows in each of the detainees' cells point to Mecca. You see arrows throughout the prison grounds. That makes it easier, and it is a reminder that these individuals have that opportunity to practice their faith, with prayer time occurring five times every day, where everything stops, and that time is set aside so that prayer can be offered.

It was interesting from a health standpoint. The meals themselves are nutritious meals. And I looked at a lot of the charts, aggregate charts, and, indeed, detainees gain weight from these meals. They get regular exercise. It might be as much as 2 hours a day—but 1 to 2 hours a day. They receive mail from their families. They visit privately with their lawyers. They have medical care, which again was amazing to me, which is 24/7, acute care as well as preventive care literally 24 hours a day.

When the camp first opened, much of the medical care was centered around

● 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 treatment of acute care or injuries that may have occurred in the battlefield or the like. Prosthetics were made. I think they said 22 prosthetics had been made for the detainees who have been at the facility.

The nature of health care has shifted a bit. There is still acute care 24 hours a day, in which surgical procedures, everything, can be performed right there in the detainee camps, but as those wounds healed and as the detainees got further and further away from acute injuries, there has been increasing emphasis on preventative care. Indeed, the immunization rate there is higher than in the United States of America.

I think the report is they have had fewer than 500 detainees, but all have been immunized appropriately. Things such as screening for cancer have taken place there. Colonoscopies—a procedure which, as we all know, is used commonly in this country to screen for colon cancer—are performed there on a routine basis.

The health personnel-to-detainee ratio is 1 to 4—remarkably high. That is all health personnel who are there. And I guess, as I left this briefing and the opportunity to talk to the doctors and the nurses and the psychologists and the psychiatrists, I left with an impression that health care there is clearly better than they received at home and as good as many people receive in the United States of America.

Also, I have to comment on the courageous men and women who are our military personnel there, working every day, 24 hours a day. They are doing a tremendous job. I commend them for it. As you walk through the cells, it is clear they are at least verbally abused in just walking through those cells. I know they are under a great deal of stress in carrying out their activities every day.

Our men and women, in spite of that sort of verbal abuse—and clearly at risk of physical assault—remain focused on their mission to provide the detainees there safe and humane treatment but, at the same time, simultaneously protecting Americans from the deadly plots that have been hatched by many of those detainees who are there.

As we all know from the President's comments and speeches over the last week or so, on that island today are some of the world's most hardened enemy combatants, terrorists. Khalid Sheikh Mohammed is there, the man the 9/11 Commission described as the ''principal architect of the 9/11 attacks.'' The fact that we have the presence of them—we did not see them, we did not even ask to go to their facility—but the fact that they are there is a vivid reminder that the detainees at Guantanamo do remain locked up for a critical purpose: to protect Americans. We were reminded of that again and again as we listened to the stories about the backgrounds of the types of people who are there. I left there with no question in my mind that many would return to what they were doing before they were captured; that is, plotting new ways to attack us. We know some who have been released have, indeed, returned to the battlefield. And that has been well documented.

There has been a lot of debate recently on how we should prosecute these terrorists, these enemy combatants. Soon we will be addressing that issue once again on the floor of the Senate, as we should. But I think we should all be very clear in our own thinking that these men are dangerous terrorists who remain a threat to the safety and well-being of every American. They are militant extremists whose goal in life is to kill Americans, is to destroy our freedom and security.

Mr. President, as we were reminded through remembrances and through the ceremonies of yesterday and through the discussions yesterday, 9/11 shattered our longstanding illusions of safety and security in this country. As we learned then and have since learned—on no less than 11 occasions—safety and security are not static states, but they are dynamic, they are constantly changing, in constant flux. That means we cannot just enact a bill and then move on and say that is sufficient. We have to continuously, in this body, take stock of where we are, assess and reassess and implement changes when necessary.

We have done just that over the last 5 years. As of August, we passed 71 laws and other bills related to the war on terror. The next step is the bill we are debating today; that is, the Port Security Improvement Act. It provides additional authorities and tools critical to improving our port security and our maritime security—and to foil plots to injure us or to destroy our ports, to the detriment of hard-working Americans and to the detriment of our economy.

Very soon we will take up legislation that strengthens and modernizes our foreign intelligence surveillance laws, as well as legislation that authorizes military commissions to prosecute terrorists for war crimes, such as those who are currently detained at Guantanamo Bay.

Without these tools, we simply cannot guarantee the safety and security of the American people. That is why they are being addressed on the floor right now. That is what hangs in the balance: the safety and security of the American people. On this floor, we are not going to always agree on the approach, but it is a goal I believe every one of my colleagues shares.

As we move forward in this body over the next couple weeks, I hope we do remain focused on that goal, ensuring the safety and security of the American people.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

PRESIDENT'S 9/11 SPEECH

Mr. REID. Mr. President, I was honored to join with President Bush and others at the Pentagon yesterday to commemorate the fifth anniversary of 9/11. I was pleased, also to join my colleagues on the east steps of the Capitol last evening in an emotional tribute to those who died on that fateful day 5 years ago.

Mr. President, 9/11 was one of the darkest days of this Nation's history. It brought America together. We were inspired by the bravery of our fellow Americans. We stood shoulder to shoulder with the President. And when he stood upon the mound of rubble at Ground Zero, with a bullhorn in hand, he spoke for all of us.

Last night, however, the President, in his address to the Nation, spoke for himself, for his administration, and not for the Nation. No bullhorn, only the bully pulpit of his office, which he used to defend an unpopular war in Iraq and to launch clumsily disguised barbs at those who disagree with his policies.

By focusing on Iraq in the manner he did, the President engaged in an all-too-familiar Bush administration tactic: conflate and blur the war in Iraq with the response to 9/11.

Despite definitive and repeated findings that there were no ties between Iraq and al-Qaida—a finding most recently echoed by the Republican-controlled Senate Intelligence Committee—the President continued to deliberately lump and blur al-Qaida, Osama bin Laden, Iraq, and 9/11 together.

This is a political move designed to tap the overwhelming public sentiment to destroy al-Qaida as a way to bolster sagging public support for the war in Iraq.

Despite the President's best efforts, the American people can see through this ploy—as we have seen with the pundits' comments following his speech and editorials all across the country today. The American people understand that Iraq is largely a sectarian struggle and that the longer we are bogged down in the streets of Baghdad, the easier it is for al-Qaida and its affiliates to reconstitute in places such as Afghanistan and Somalia.

Americans understand that this administration's ''stay the course'' strategy is hurting our security and moving Iraq in the wrong direction. Unemployment in Iraq is high. It is 40 to 50 percent unemployment, at least. Some places, it is 70 and 80 percent.

News accounts today say that inflation is now 75 percent in Iraq. An average of a thousand Iraqis are dying each month in Iraq. Is that a civil war? I think so. News accounts, the last couple of days—one, in fact, today said: ''Iraq conflict worsens.'' The General Accounting Office, the watchdog of Congress, a nonpartisan organization, said that the Iraq conflict worsens.

We heard two days ago an Army general saying that the Anbar province is lost. We have a general, even before he

is retired, saying that Secretary Rumsfeld said he would fire anyone who tried to develop a plan after the soldiers went into Iraq. He would fire them. There was no planning as to how the peace would take place.

The American people deserved better last night. They deserved a break from the politics that honored the spirit of 9/11, a chance to reclaim that sense of unity, purpose, and patriotism which swept through our country 5 years ago—feelings only the Commander in Chief could have inspired, that he should have tried to inspire. He didn't. Last night was not the time for a political partisan speech. Sadly, it was a missed opportunity for President Bush, who obviously was more consumed by staying the course in Iraq and playing election year partisan politics than changing the direction for this wonderful country.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 30 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Pennsylvania is recognized.

THE PRESIDENT'S ADDRESS TO THE NATION

Mr. SANTORUM. Mr. President, I come to the Senate floor in sadness. The President of the United States gives an address about the condition of our country 5 years after the events of 9/11. He gives an address and lays out the scope of the problem we are confronting. There are people all across this world who subscribe to a radical, perverted form of Islam and want to destroy everything we believe in. That is the enemy we are confronting. We are in an active war with our military against them in Afghanistan and Iraq. That is the reality.

The minority leader just referred to it as sectarian violence. What is that word? Religious? Religious violence. Radical Islam violence—some Sunni, some Shia, but both are radical in their nature, and they are fighting us. That is the reality of the enemy today. The very people who planned the attacks are the people who are in Iraq. Al-Qaida is in Iraq causing that sectarian violence. Should we ignore that? I ask the Senator from Nevada, should we just ignore that, pretend they are not there, not talk about that last night, pretend al-Qaida is not in Iraq? Is this not part of the mission we are trying to accomplish?

It is sad. We are at war against an enemy that I happen to believe is the most dangerous enemy ever to confront this country, and we play petty politics constantly here on the floor of the Senate—even after a solemn day of remembrance for the valued people who died on September 11. It is chilling. We just cannot get past the politics around here, just cannot get past the partisan advantage around here. We cannot face the reality that we have a dangerous enemy out there who wants to destroy everything we hold dear, an enemy who is very clear about what they want to accomplish. How clear? They say it—not to Mike Wallace on ''60 Minutes,'' I might add. No, when you are spinning in English in America, you put on the nice face, you put on the happy face that we want peace and want to live together in brotherhood and all this wonderful stuff.

But that is a lie. When they go back and speak in Arabic and Farsi, they give a very different story. It is a consistent story, I might add. It is the destruction of the State of Israel, and it is the submission of the infidels to what they believe in. That is the enemy we confront. It is real. We can play politics about it and say it is not real. We can say it is a trumped-up war. They are at war with us. We may not want to be at war with them, but they are at war with us—not just in Afghanistan and Iraq, not just in southern Lebanon, not just in Great Britain, but here. They want to defeat us. Their intent is to defeat us. They are motivating people in the Middle East and around the world to join their ranks and attack us.

One of the things I learned from my days in Little League, and in everything else I have ever engaged in, is that one of the ways to lose anything you are engaged in with an opponent is not to take your opponent seriously, not to look at what they are really about, and not look at their capability. I remember early that in this war many were calling the terrorists cowards, as if these people were weak and they had no real resolve. These people are not weak. They are misguided—horribly misguided—but they are not weak. They are a dangerous enemy. They are a dangerous enemy that has an ideology that is motivating people, and they have a tactic that is uniquely effective against us.

As Osama bin Laden says, ''We will defeat you because you love life; we love death.'' And we do love life in this country because we have a lot to live for. We have great freedom, great material wealth. We have a wonderful culture. They, on the other hand, for the most part have none of those. They love death because they see death as better than life. They are willing to die. In fact, they want to die. We have never fought an enemy like this. We have never fought an enemy who wanted to die as part of the victory for them. We always fought enemies who saw death as a tragic consequence of war, and their objective was an earthly kingdom. Not this enemy. This enemy says death is part of the war—a desire for those entering into this battle—and their kingdom is not one they want to build here but one they want to achieve after death. This is an enemy who wants a nuclear weapon in Iran, not because they want to stave off attacks, no, but because they want to use it to pursue their messianic vision of the return of the 12th Imam, or Hidden Imam.

I give speeches all across Pennsylvania and lay out for the people of my State this vision of President Mahmud Ahmadi-Nejad and the rulers of Iran, the vision of the 12th, or Hidden, Imam, who is to return at the end of time. That is what the Shias believe. But President Ahmadi-Nejad and the rulers of Iran believe different than most Shias, thank God. They believe it is their obligation to bring about the end of time by the destruction of the State of Israel and by world chaos in which Islam is suppressing the infidels, and only at that time will this Hidden Imam return and the actualization of their religion come to pass.

This is a serious enemy, an enemy with resources. This is an enemy with growing technology, and this is an enemy with fervent disciples who are willing to go around and kill themselves in pursuit of this objective. This is not something to be played politics with. This is not something to ignore and pass off as sectarian violence that we brought about because we happen to be there. These people have been at war with us for 20 years, and we have chosen to ignore them. We paid a very high price.

So what is our lesson? If you listen to the Democratic leader, it is: Let's continue to ignore them. Let's continue to play politics. Let's put domestic politics ahead of the security of this country.

That is his message—that this is not real, this is trumped up, and if we leave them alone, they will leave us alone. Oh, really? Do you really believe that? If we leave these people alone, do you believe that somehow we would be safe here? We can just garrison America, make all public buildings like we have here at the Capitol—put Jersey barriers around everything and have police on every corner. We can protect ourselves from these people. Is that the America in which we want to live? Not me.

We are at war—the most serious war this country has ever faced against an opponent like none we have ever faced. Yet we play politics. We ignore the reality. We can pretend they are just not there—at least until November, at least until we can get control. Then maybe we will come to our senses and recognize the grave threat that confronts our country.

No, the President did not give a political speech last night. He spoke of

the reality of the conflict that is before us. It is not popular to do so, I know. It is not popular to stand up and support a conflict that is difficult to deal with every day. But understand that is exactly what they have in mind.

Did you ever wonder why they don't kill 3,000 people in 1 day? They have the capability of doing so. You just send out, instead of 1 every day or 2 every day, you send out 200 in 1 day. Why not? Why don't they just have one mass, huge offensive? It is because that is not what they are all about. That is not a terrorist tactic.

The terrorist tactic is to cause death every single day. It doesn't matter who but just cause death. So why? To defeat the military? No, their objective isn't to defeat the military or drive back the lines of our troops or to control more area. No, those deaths are not aimed at our military, they are aimed at us. Every day they want to make it harder for you and you and you and you to open the paper, to turn on the television, to see more death.

This is the steady drumbeat of the psychological war of terror being inflicted on the American public. They will keep up the drumbeat every single day—not in big conflagrations but every day—to make it painful, to make it hard.

They want one thing out of us. They know our military, and I am going to submit for the RECORD an assessment from a serviceman who wrote me who provided his experience in Iraq of success, I might add.

Our military knows they must win this war, and they are succeeding at some level. They are not attacking our military. They are attacking us psychologically every single day until finally they get us to say one word—enough. Enough. We have had enough. We can't take this anymore. It is just too hard.

They believe we will say ''enough'' because they believe we are weak. They believe we and the modern world just don't have the stomach to fight and die for what we believe in anymore. We like our ''things'' too much, and so we will just leave them alone until they get stronger and stronger and in a position to do more and more damage to our children and grandchildren.

The President is right. This is our hour. We can play politics with the hour, we can seek political advantage to win the next election with this hour, or we can confront the reality of this hour and do something about it.

On my watch, even though I am facing what many consider to be a difficult time back in Pennsylvania, I am going to confront the reality of the threat to me, to this country, and to our children and grandchildren. It is too important to walk away and play politics to get reelected. It is too important to the future of this country to minimize the threat that we are engaged in and play politics with it.

It may win or lose elections. Matters not to me. It matters not to me. What matters is defending our country when it needs to be defended, not putting personal politics above what is in the best interest of the national security of this country.

I believe the President, given all the mistakes that this administration has made in the conduct of this war—and they certainly are numerous—the President has it right. This is the greatest threat for our generation, and I pray we have the courage to confront it.

Mr. President, I ask unanimous consent to print the assessment from 1LT Jeremy Burke in the RECORD.

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

MY MISSION

Foreign Military Advising by Military Transition Teams, MiTTs, is currently the Main Effort for the U.S. Military in Iraq. The current objective of CENTCOM is to build and train the Iraqi Security Forces in order that they can take over control of the security in their battlespace. MiTT teams advise on everything from logistical planning, operational management and command & control (C2) of their units. I was an advisor for the 3rd Brigade of the 3rd Division, Iraqi Army.

Overall assessment: I believe we have been extremely successful in our efforts to secure peace and freedom in Iraq. Many people in Iraq are now enjoying freedoms that they never could before. For those born during Saddam's reign of terror, they are tasting freedom for the first time. All over Iraq we are turning over control of security to Iraqi Security Forces like the Army, Border Police and the regular Police. Our presence there as American military is to backup the Iraqis when they need help. They are finally standing on their own two feet. Now we're just letting them get balanced.

AREAS OF SUCCESS WITH IRAQI ARMY

(1) Control of Security: We started out August 2005 and our Iraqi counterparts were assessed at being able to take over control of their battles pace no earlier than 18 months. 10 months later, in June 2006, they completed their validation exercise and we transitioned battle space authority over to Iraqi Army control.

(2) Communications: At onset of our mission our Iraqi counterparts were severely limited in communications and they could not talk between 2 of their 3 battalions nor their Brigade rear location. We needed to locate the appropriate equipment for them and get it issued out. Then we had the task of training them how to utilize all their commo gear and put it into use.

Now they have a Codan radio base station set up at their Brigade (BDE) Headquarters, BDE rear and at each Battalion location. Each location is now capable of communicating across their entire battle space, 16,000 sq KM.

Their vehicles now have mobile Codan radios to communicate between their maneuver elements and their headquarters.

They now have Internet access to send status reports to Division headquarters and to receive and send information from their battalions.

Command & Control: When we arrived in August of 2005 they had no functioning Tactical Operations Center (TOC) in which to manage subordinate units, track convoys, manage information flow and oversee operations.

After months of training and preparation, we helped them open the first Iraqi Army Brigade TOC on January 15, 2006.

All IA BDE communications are handled out of their TOC.

A representative from the S2 (Intelligence) and S3 (Operations) is working in this TOC all day and in the evening. At night there are two enlisted soldiers manning the radios and acting as a runner.

The S3 is tracking units on the ground with large wall sized maps that we provided for them. The S2 tracks enemy activity or a long period of time on an exact replica of the operations map.

As the Coalition Forces Liaison Officer (LNO), I worked 7 days a week in their TOC providing classes on: map reading, Intelligence Analysis, and reporting.

Now that our IA counterparts have taken over control of their battle space a U.S. LNO will work in their TOC as a means of bridging communications between the IA units on the ground and U.S. units providing support. Examples of this function are when an Iraqi convoy is hit with an IED attack they call back to their TOC, then the Iraqi officer in charge would request assistance and I would call in a MEDEVAC request to the U.S. Headquarters in the area.

Pay & Promotions: At the beginning of our mission, approximately 75 percent of the IA Brigade we advised had some sort of pay or promotion issue. The most common example of this was a soldier was promoted but the Ministry of Defense, MOD, had yet to recognize the promotion so they were still being paid at their old pay grade.

When I left Iraq, the Brigade's pay issues were down to 4 percent.

The Brigade S1 and the Division G1, Personnel, now work closely together and get actively involved in resolving pay issues to include traveling to Baghdad to meet directly with the Personnel Department at MOD.

MOD still has problems recognizing promotions when they come but at least now the soldier might only have 1–2 months to wait for it to be resolved as opposed to years as it was before.

(3) Vehicle Maintenance: This is still a difficult problem for the Iraqis but they are slowing making headway. They are facing a difficult task with maintenance because their culture has not adopted the idea of operator maintenance as a personal responsibility. The wealthy would just abandon a vehicle if it died on the road. The lower classes simply use a Duct Tape resolution to solve maintenance issues. One of their problems now is that since they didn't conduct periodic maintenance on their vehicles they have a lot of work to catch up on as they get more involved. Upon our arrival in August 2005, they had dozens of deadlined, inoperable, vehicles just strewn about their bases, which made their motor pools look more like junkyards.

U.S. advisors in Baghdad worked with MOD to set up a National Maintenance Contract for the Army's vehicles. For our unit they bring all their vehicles back to the Division base where the maintenance facilities are and can get any kind of repair done they need—to include newly issued HUMMWVs.

In December of 2005 we started sending soldiers from our Brigade to the maintenance course also run by the NMC group. Soldiers become qualified to perform various levels of maintenance on their vehicles. After the course they spend time at the maintenance facility to get ''on the job'' training before returning to their units.

(4) Logistics: Logistical support, in my mind, is now their biggest obstacle to being a successful, self-sustaining military.

MOD has not come up with appropriate plan to provide fuel for the Iraqi Security Forces, ISF. Currently the U.S. supplies some fuel to the ISF but that is being cut off—probably by August 2006.

Life Support Contracts are set up and managed by MOD but there is no MOD rep to monitor them locally except for an army officer. In some cases this has led to corruption, in other cases it has allowed local vendors to operate with no quality control.

OVERALL SENTIMENT OF THE IRAQI PEOPLE

Generally the people of Iraq are appreciative of the United States, want our Military to stay as long as possible to ensure their safety and security.

Some portions of the population are happy that we can provide for their safety and are grateful that we ousted Saddam. But they will be equally as happy when we leave. This is more of an Arab cultural thing. Arab culture is driven by pride and shame. These people might be embarrassed that they could not secure their freedoms themselves and now would like us to leave so they can take over from here. And some simply don't want Westerners controlling their future.

When we traveled to various villages we were typically well received. Kids run out to the convoy in hopes that they'll get candy or water. Village leaders come out to greet us and invite us in to sit and talk while we drink Chai. When we entered a village and people looked away or closed their doors to us, it almost always meant that they were being intimidated by the terrorists. It was these villages that we spent more time. We'd come back as often as possible, bringing clothes, food, and commanders of all levels from the Iraqi Army and the Coalition to meet with tribal leadership. When we caught Saddam Hussein, there were celebrations at every village we went to. People were both relieved and overjoyed. And they thanked us in whatever way they could. When U.S. forces killed Abu Musab Zarqawi, people celebrated in the streets firing their guns in the air, they offered us food and gifts when we visited villages. These were true inspiring patriotic moments for Iraq.

When a suicide bomber attacks an Army or Police recruiting station and kills many people, the following day the lines waiting to join up are 3–4 times larger. People are looking for jobs and they see joining the Iraqi Security Forces as a great opportunity to make a living and do their part in getting rid of the terrorism rampant in their region of the world.

We are seeing lots of economic expansion everywhere. Strip malls are being constructed, businesses are expanding and franchises are popping up. New homes are being constructed all over the country. And people are spending money, looking for new types of goods to buy and they desire goods and services that are currently available throughout the rest of the world. Satellite TV has been a big help with this.

OBSTACLES

Fuel—Currently fuel is a major crisis not only for the Iraqi Security Forces but for the general population as well. The issue is not for a lack of oil, but a lack of functioning refineries—2 shut down in November. It has started to limit the ability of the Iraqi Security Forces to conduct long-range operations.

Border Crossings—Foreign Fighters and Terrorist support still continues to flow across the Syrian Border. Smuggling of fuel, cigarettes and other goods is commonplace and put a big strain on the ability of the Border Police to shut down the border. Lack of fuel has reduced the number of border patrols that are conducted. Long lines at the Point of Entry have caused many people to come across illegally. Some smuggling is being conducted as a direct support mechanism for terrorists.

Corruption: Very problematic in all areas of the Iraqi Security Forces. But it is also misunderstood. Some levels of corruption are generally accepted in Arab culture. It is the way they have done business and government for so long that they have come to allow it—to an extent. Some of the areas of corruption that we've seen are when soldiers or police at checkpoints or border crossings do not check cars as they come through. They will sometimes take payments in order to speed a vehicle through the checkpoint. We began cracking down on this during Spring of 2006. There are also kickbacks with contractors—this is very typical and also very accepted.

Mr. SANTORUM. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

FIFTH ANNIVERSARY OF SEPTEMBER 11, 2001, AND IRAQ

Mr. DURBIN. Mr. President, I came to the Capitol yesterday on the fifth anniversary of September 11. I looked out the window, down the Mall on the west side, and I couldn't help but remember what we saw on 9/11. On that morning as we met in a small room on the west side of the Capitol and watched the television broadcast and first heard of a plane crashing into the World Trade Center, I thought: What a freak accident. I hope a lot of people won't die.

Then as we watched incredulously, a second plane hit the World Trade Center. The scales fell from our eyes and we knew exactly what was happening. This was no accident. This was intentional. America was under attack.

We met in this meeting a few minutes longer. Someone walked into the room and said they were evacuating the White House. We looked down the Mall on 9/11 and saw black, billowing smoke, and then the word came across that there was some explosion at the Pentagon. We weren't sure what had happened. A bomb? It turned out it was a plane.

As that black smoke billowed across the Mall, as we looked on that bright sunlit day at this horrible, disgusting display of destruction, we were told to evacuate this building, to leave the U.S. Capitol for our lives as quickly as we could.

We raced down the steps, all of us, thousands of us, and gathered outside. We stood on the grass not sure where to turn or where to go. We heard a loud boom. Many of us thought it was another explosion. It turned out it was the scrambling of our fighter planes over the Nation's Capital to protect us.

Finally, after dismissing our staff, telling them to go home and find a safe place, I walked a few blocks away from the Capitol Building and sat, as most Americans did, for the rest of the day hearing the news reports, watching the television scenes from New York.

Then late that evening, after that wrenching day, Members of Congress gathered on the steps outside the Capitol in a rare, heartening display of bipartisanship or nonpartisanship, said a prayer, and sang ''God Bless America.''

In the weeks that followed, there was a mood on Capitol Hill unlike anything we had seen for a long time. The President came to us within hours and said: We are now declaring war on those responsible for 9/11. He proposed that we mobilize the strength of America, all of us, and strike back at those who had killed 3,000 innocent people on that day. The President's plea was answered with unequivocal support on both sides of the aisle.

I have often said that in the years I have served here, there is no more difficult vote than a vote to go to war. We know that with that vote, people will die. The enemy, brave Americans, and innocent people will die, and you must take that seriously. But I didn't hesitate to vote for that war against al-Qaida. I didn't hesitate to vote for that war in Afghanistan. America had to stand and defend itself against those who would kill innocent people, as they did on 9/11.

Yesterday, on the fifth anniversary of 9/11, there was an effort to rekindle that feeling.

The President made important visits to New York, to the site of the World Trade Center, to Pennsylvania where United flight 93 crashed into the ground when the brave passengers took control of the plane away from the terrorists and, in the process, may have saved my life. Many believe that plane was destined for Washington, destined for this building, this important symbol of America. Those brave passengers took control of that plane and gave their lives in the process. The President visited that rural setting to remember their heroism.

Then he came to the Pentagon, and I was honored to join him as he laid a wreath at the corner of the new section of the Pentagon that was rebuilt after 184 people in that building died on 9/11.

We gathered again on the steps yesterday, a bipartisan gathering of the House and Senate, for a moment of prayer, a moment of reflection, and to sing ''God Bless America.'' It was a time when we tried to recapture that spirit of unity, that spirit of determination, and many of us felt we were moving our Nation again in the right direction.

But what is it that divides us? We heard the speech of my leader and friend, Senator HARRY REID of Nevada, and the speech of the Senator from Pennsylvania, again at odds in debating about our policy. What divides us is clearly another war—not the war in Afghanistan but the war in Iraq. Twenty-three of us on the floor of this Senate, when given a chance, voted against the authorization of force to go to war in Iraq.

As a member of the Senate Intelligence Committee, I knew from closed door sessions, which I was sworn not to disclose, I knew from those sessions that many of the things that were being told to the American people as reasons to go to war against Saddam Hussein and Iraq were just plain wrong.

This last week, the Senate Intelligence Committee, in a bipartisan report, made it public for the record, for

history, for all to see, that the American people were misled into this war in Iraq—statements about weapons of mass destruction that didn't exist, statements about nuclear weapons that didn't exist, statements about connections between Saddam Hussein and al-Qaida which were fabricated. Those reasons were told to the American people to justify a war which is now in its fourth year.

Unlike the war in Afghanistan where our mission was clear to go after those who were responsible for 9/11, to go after al-Qaida, in Iraq we are in our fourth year. The official report from the Pentagon this morning is 2,671 of our best and bravest soldiers have died in that war; more than 19,000 have returned wounded, serious wounds—amputations, blindness, burns, traumatic brain injury. We have spent more than $320 billion on that war. And last night, as the President spoke to America, he went beyond that spirit of unity that brought us together for the war in Afghanistan and against al-Qaida to discuss this war in Iraq.

It is part of an offensive by this administration. We saw it on Sunday with Condoleezza Rice, our Secretary of State, and with Vice President CHENEY's appearance on television. We saw and heard the statements they made to justify a war in Iraq, a war which, unfortunately, is not going well.

The Senator from Pennsylvania objected to Senator REID saying that we were involved in some sort of sectarian violence in Iraq. Those are not original words of the Senator from Nevada. He made reference to the General Accountability Office which released its report yesterday in which it said:

> Iraq's political process has sharpened the country's sectarian divisions, polarized relations between its ethnic and religious groups, and weakened its sense of national identity.

The Senator from Pennsylvania criticized the Democratic leader for being political and partisan in saying these words. But the same words were used by the General Accountability Office. It is a fact. We can't ignore it. The situation in Iraq has worsened.

Mr. President, do you know what the GAO reported in terms of violence in Iraq? The figures are startling. I read the report:

> The Pentagon said enemy attacks against coalition and Iraqi forces increased by 23 percent from 2004 to 2005. The number of attacks from January to July 2006 were 57 percent higher than during the same period in 2005.

The GAO published a graph yesterday. The number of attacks rose from around 100 in May of 2003 to roughly 4,500 in July of 2006. Is it political or partisan to note the obvious, the GAO report to which Senator REID made reference? That is not political partisanship; that is a reality, and we should face that reality because Iraq does continue to slip into civil war despite the billions that we have spent and the thousands of American lives which have been lost in that battle.

There is another political reality. Osama bin Laden is still on the loose. Al-Qaida's membership, estimated at 20,000 on 9/11, is now estimated by our intelligence agencies at 50,000. Instead of shrinking and disappearing, they are growing geometrically.

And there is another reality. The Taliban is gaining ground again in Afghanistan. They have set up shop in Pakistan where that Government has agreed to have a safe haven for some of these terrorist forces. That is unfortunate, and it is disastrous when you think of our long-term war on terrorism.

Sitting at home in Springfield, IL, over the weekend, I listened to Vice President CHENEY when he appeared on ''Meet the Press.'' He said that those of us who make these speeches about the reality of the war in Iraq are not showing the kind of resolve that we should. We are somehow validating terrorism. We are weakening America's efforts to fight terrorism.

I couldn't disagree more. If Members of Congress—if the American public cannot stand up and speak when they disagree with the policies of this administration, we have lost sight of the values of this democracy and how important they are. Despite the Intelligence Committee's disclosure of how we were misled into the war in Iraq, and despite the situation on the ground today, when Vice President CHENEY says he would do it all again, it is a reminder that this administration is resolute in continuing on a path that does not make us safer and, in fact, endangers our troops even as we stand and speak today. It strikes me as odd that this Vice President, after the Intelligence Committee report, did not show even a hint of embarrassment for some of the things he said before the invasion of Iraq and not even a word of regret for misleading the American people.

Well, we have a different vision. We believe there are things we can do to make America safe and strong. Let's take the 9/11 Commission report. Let's take their recommendations and make them reality—100 percent of them. Instead of a failing grade, let's have an A+ so that America can take these recommendations and move forward.

The budget of the Bush administration has continued to cut these recommendations, has refused to fund the things that will make us safer, whether it is a stronger National Guard, a better communications system, stronger port facilities, more surveillance and security of chemical plants and nuclear powerplants, better security on Amtrak, on mass transit—these are things the Democrats on this side of the aisle believe should be our highest priority in making America safe.

We need to strengthen our ports and our nuclear powerplants in my State and across the Nation. We need to cut our dependence on foreign oil so that we aren't indirectly subsidizing terrorism and indirectly subsidizing those who are killing our troops in Iraq and Afghanistan. And we need to push to change course in Iraq. We need a responsible redeployment of troops so that the Iraqis understand this is their battle, this is their war, this is their country. There has to come a time, in this fourth year of a war that has lasted longer than the Korean war, when the Iraqis stand and fight for their own country, when American troops are replaced and can come home.

Last week, the administration sent 5,000 more troops to Iraq. There is no end in sight. The President said we must stay the course. I think we need to change the course. We need to start the redeployment of American troops—not precipitous, immediate withdrawal; that would be wrong, but to start the redeployment of American troops so the Iraqis stand and fight for their own nation, so that our troops, having served us so well and so honorably, can come home safely.

The sad reality in Afghanistan is if we don't put more force in place there, we are not going to see the results for which we fought for so long. Afghanistan is tough territory. Many have learned that. The British Empire learned it. The Soviet Union learned it as well. If we are not going to become victims of the same fate, we need to make certain that our commitment to NATO and Afghanistan is real. That is part of the war on terrorism.

The Senator from Pennsylvania said of Senator REID that he didn't take our opponents seriously. The Senator from Pennsylvania is wrong. Senator REID understands terrorism, as we all do. He understands that we need to stand together, on a bipartisan basis, to make America safe and to fight the right war in the right place, to win a victory that counts. That is why he spoke today. We should never forget, according to the Senator from Pennsylvania, that we are fighting an enemy that wants to die. He said that has never happened before.

I think a brief study of history would tell him it has. The Japanese Kamikaze fliers had the same death wish as those who are suicide bombers today. It has happened before. It doesn't make it any less of a threat, but the fact is, we have faced it before and we have overcome it.

It is interesting that as we listen to our military experts, they tell us we cannot win in Iraq militarily no matter how many troops we put in place; we have to win politically. We have to stop and reflect on the fact that there is a large swath of this world that doesn't understand who we are and what we stand for. They continually are told the wrong thing about America. They continue to be misled. So as we are strong militarily, as we must be, as we must defend America at home, we must also reach out and spread the word about what America's values are, what we are willing to stand for, so that we are better understood in this world and so that this new

generation, looking for an impression of the United States, doesn't come up with the wrong impression.

As we consider what we face today in the closing weeks of this session, let's make sure we do stand together in a bipartisan fashion for defending America as our homeland. Let's put the resources in place to make us safer. We continue to stand behind our troops, but let us not be so bull-headed that we won't consider any change in tactic or strategy that might start to bring our troops home safely, with their mission truly accomplished this time, and let's not give up on Afghanistan. We cannot allow the Taliban to have a resurgence of power and give al-Qaida another place to gather forces to launch against the world. That is our mission. That is our responsibility.

As we gathered yesterday, it was a reminder that at one time not that long ago we stood together in that effort.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4954, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

Stevens (for DEMINT) amendment No. 4921, to establish a unified national hazard alert system.

Mr. STEVENS. Mr. President, is the pending business the DeMint amendment?

The ACTING PRESIDENT pro tempore. Yes, it is.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4929

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

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

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 4929.

Mrs. MURRAY. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 4929

(Purpose: To extend the merchandise processing fees, and for other purposes)

At the appropriate place, insert the following:

SEC. _____. COBRA FEES.

(a) EXTENSION OF FEES.—Subparagraphs (A) and (B)(i) of section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A) and (B)(i)) are amended by striking ''2014'' each place it appears and inserting ''2015''.

(b) USE OF FEES.—Paragraph (2) of section 13031(f) of such Act (19 U.S.C. 58c(f)(2)) is amended by adding at the end the following: ''The provisions of the first and second sentences of this paragraph limiting the purposes for which amounts in the Customs User Fee Account may be made available shall not apply with respect to amounts in that Account during fiscal year 2015.''.

Mrs. MURRAY. Mr. President, this morning the Senate is considering a very important bill, the port security bill, which many Members have come to the floor to talk about. I am proud to be an original sponsor of this bill and have been working on it for a number of years; in fact, since five years ago, after September 11, when I was the Transportation Appropriations Subcommittee chair. At that time I began to bring stakeholders together to talk about how we can make sure the cargo containers that are coming into this country are secure. It is a very complex issue. It is very difficult to do. We have a tremendous balancing act of making sure that cargo containers are safe when they come into our ports but also that we don't halt our economy as we move forward with this initiative.

I have been very proud to work with a number of Senators in getting us to this point, and I am hoping this bill will move forward in an expeditious manner. Obviously, there will be a number of amendments that come before us, and I look forward to working with other Senators on both sides of the aisle to move them forward.

The bill that is now before the Senate has one major hole. The original bill we have been working on with all of the committees contained a funding source for this bill that some Members had some concerns about. The original bill that we offered had tariff fees as the funding source. The Finance Committee has objected to that. They were concerned about that. I understand that concern. Because of that objection, the bill that has come before us is an important bill, but it lacks the ability to put in place a secure system. It is essentially an empty shell without a funding source.

That is why I have sent to the desk right now an amendment we have been working on together with a number of people to make sure this bill is not just about rhetoric but actually has the funding behind it. If we pass this bill without funding it, we will not have done our job. The amendment I sent to the desk extends two existing Customs user fees for 1 year to fund this bill. Those are fees that are collected today that are going to expire, and all we are doing is extending the collection for an additional year.

The fees we are extending are the merchandise processing fee and the passenger conveyance fee. Extending those for just 1 year will produce close to $2.5 billion in revenue and will importantly provide a dedicated funding stream to pay for the new security initiatives authorized in this bill. By voting for this amendment, this Senate will put money behind the rhetoric of port security. This Senate will put money behind the rhetoric. That is absolutely critical in today's world.

I sit on the Appropriations Committee. I sit on the Department of Homeland Security Appropriations Subcommittee. If we do not put a dedicated source of funding behind this bill, we will simply put port security in contention with all of the other functions of the Department of Homeland Security. We will be looking at Coast Guard money, FBI money, all of the important functions that we need to have within this bill, and port security will be just another issue that doesn't get funded. That is why this funding amendment is so absolutely critical.

The funding for this amendment is going to be used to hire new Customs and Border Protection officers. We can't just simply require our Customs and border officials to do more. They are important positions. Their eyes on the containers and their eyes on the tracking, their eyes on the containers as they are loaded and secured is absolutely critical. Without putting new Customs and Border Patrol agents in place to do the functions we are asking for in this bill, we simply will be sending an empty promise to America.

The funding also will improve the tracking and data collection of every container coming into our ports. That is essential funding which will make sure what we put into those containers is sealed, that someone is watching to make sure they haven't been tampered with, that no one has gotten into them, and that those containers have not gone someplace they are not supposed to. Just putting a tracking seal on it isn't going to make sure we know a container has not been tampered with. We need the personnel in place to do

the tracking. That is an important item for funding in this bill. The current bill doesn't have the funding for it. The amendment I am offering will make sure we have eyes on those tracking systems.

The funding will also establish incentive programs for shippers who voluntarily agree to these standards. That is the GreenLane section of this bill that is very important to make sure we know we can reduce the number of cargo containers coming into our ports that could produce a danger for American citizens and for America's economy.

The funding will also establish protocols for the resumption of cargo shipments after a disruptive incident. We put in place a system which assures, should an incident occur on one of our ports, that we have a resumption strategy in place so we know which cargo, which containers can begin to move off of our ports in an expeditious manner. The reason this is so important is if we don't have a protocol in place, it will take weeks, if not months, to get that cargo moving again. That will have a tremendous impact on our economy not just in our port cities but throughout the Nation, as stores would not have any retail goods on their shelves. The economic impact of that has been outlined in this debate, but it would be devastating. We absolutely need to have a protocol in place, and this funding stream will assure it is not just empty rhetoric but actually a funding source.

Finally, the funding is important for authorizing and appropriating money for a grant system for our ports, critical funding infrastructure for gates, for fencing, for making sure people are in place to know who is coming onto our ports—critical infrastructure that we have known is lacking and needs a real funding stream, not just rhetoric saying we are requiring it.

I am very pleased to bring this amendment to the Senate, and I hope it is agreed to overwhelmingly because it is critical that we put in place not just an authorizing bill to tell the American public we are putting in place a port security bill but that we actually have the funding so we can accomplish what I think everyone believes is an important goal.

I have presented this amendment and ask for its consideration.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask the Senator from Washington I be added as a cosponsor of her amendment.

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

Mr. INOUYE. I thank Senator MURRAY for her efforts to reconcile what we believe to be the most glaring vulnerability of this bill—how to pay for it.

As I noted in my opening statement, authorizing security programs for our ports and supply chain is the first step. We also must provide the actual funding to implement these new initiatives. While we have rushed to debate this security bill this week as the country remembers those who lost their lives 5 years ago, the Homeland Security Appropriations Subcommittee is in conference struggling to find the necessary funds to pay for existing programs. The security enhancements we are debating this week provide our constituents no benefit if we do not give the agencies we have tasked with these new responsibilities the necessary funds to do their job.

Despite a vulnerable maritime system and a very real threat to the physical and economic security of all Americans, the President has provided little support to help secure our Nation's ports from terrorist attacks. Even though the Congress has enacted two port security laws, the White House has included limited port security funding in their annual budget requests, proving their support for port security has been all talk and no action.

In 2003, when the President's budget failed to provide a fraction of the funding necessary for port security programs, Democrats offered an amendment to the Budget Resolution to provide $1 billion per year for 2 years to help ports meet the new security mandates. The amendment closely followed the Coast Guard's estimates on the immediate, first year costs for ports to meet the mandates. The amendment received unanimous approval in the Senate. During the conference committee's consideration of the budget resolution, the Republican leadership eliminated the provision.

Recognizing this inadequacy and lost opportunity to deliver funds to the ports quickly, the Democrats offered an amendment to add $1 billion to the 2003 supplemental again to help ports meet the new security mandates. Despite unanimous approval in the Senate 3 weeks earlier, when it came time to put the real dollars behind the budget commitment, the amendment was opposed by the administration and defeated on the Senate floor on a party-line vote.

Unfortunately, this year we saw history repeat itself. A Democratic amendment offered by Senator BYRD to increase funds for port security programs by $648 million was offered and agreed to by unanimous consent during committee consideration of the fiscal year 2006 supplemental appropriations bill. Yet again when it came time to put real dollars behind their commitment to port security programs to make them a reality, the additional funds were opposed by the administration and were eliminated in conference.

If history is any guide, the additional funding provided by the Senate in the fiscal year 2007 Department of Homeland Security Appropriations bill is likely to be eliminated again during this ongoing conference.

It has become evident that only by identifying a revenue source other than appropriated funds to pay for the new initiatives authorized in this Port Security Improvement Act can we truly overcome this cycle of all talk and no action. And that is exactly what the Murray amendment does.

The Murray amendment raises $2.5 billion by extending customs fees. It goes a long way toward covering the costs for the $3.2 billion authorized in this legislation. This is a tremendous step in the right direction to pay for more than 78 percent of the authorized levels in the underlying bill. I hope my colleagues will join with me in supporting this amendment.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, parliamentary inquiry: What is the pending business?

The PRESIDING OFFICER. The pending business is the Murray amendment.

Mr. LOTT. I understand that other Senators may be coming to speak on the amendment. But I wish to speak in general in support of the bill itself.

Mr. President, yesterday, Monday, September 11, 2006, marked the fifth anniversary of the terrorist attacks of our country, on September 11, 2001. It was an emotional day for all of us. There were feelings of remembering the unity that it brought to all of us even here in this institution after that dreadful day. It was a day of mourning and sadness and a lot of mixed emotions. But I also think it reminded us once again that the terrible threat we saw come to fruition on that fateful day is still with us and we have more work to do.

I think it is important for those of us in Congress to point out that we have done a lot to address the terrorist threat to try to make our country safer from a variety of security vulnerabilities since then. I don't think we talk enough about what we do. But I remember very well the months after September 11, 2001, the fall of that year on into the next year, for a period of weeks—yes, even months—when we worked together. We put aside partisanship, we put aside political interests, and we decided we were going to do what was right for our country. It was a great time.

I note that the approval rating of the Congress during that period went to the highest level it has ever been before or since. The people liked it when they saw us working together and doing the right thing for our country. Of course, I should note that it has probably fallen steadily ever since then. But we have more to do.

I took the time last month to go to the west coast and look at ports, to look at ships that come in and their cargo, how the targeting works, how the random selection works, how the scanning works, how the intermodule systems work. It is an incredible thing to see, all the cargo coming into and going out of our west coast port—in fact, all of our ports.

I represent ports that serve the Gulf of Mexico and, of course, we have our very important east coast ports, too. It is a phenomenal thing to see where good progress has been made, but more needs be done.

I do not know if it is fiscally possible or physically possible to guarantee that our ports are secure. But we have done some, and we need to do more.

I point out that we passed the Maritime Transportation Security Act of 2002. This was major legislation. And I was very pleased we were able to get it done. It has made a difference. It has a number of provisions in it that have helped us to move toward more sophisticated analysis of cargo shipment data; cooperative arrangements between foreign ports and businesses involved; targeted deployment of nonintrusive scanning and radiation detection equipment. Great progress is being made in this area.

The next generation of these scanners is ready to come onto the market. I took a look at how one of them works. It scans a container in 12 seconds. You can pick up something as small as a pistol snuggled among the cargo. You can pick it out because I saw it. If I picked it out, just about anybody can pick it out.

But that was a good piece of legislation. Now we have this next step, the Port Security Act of 2006. I thank the chairman of the Homeland Security and Governmental Affairs Committee, Senator COLLINS of Maine, and her ranking member, Senator LIEBERMAN. They deserve great credit for having produced a good bill—and then they took it beyond that. They worked with the Commerce, Science and Transportation Committee, on which I serve, to address concerns of that committee and some of their jurisdictional interests.

Then we had to go another step and work with the Finance Committee. Good work has been done. It has been done by three different committees and in a bipartisan way.

Now we have an opportunity to do something good and something that is needed, but more is needed. There is no question about that.

This bill will improve security at our seaports by including waterway salvage operations in port security plans. It calls for unannounced inspections of port facilities to verify the effectiveness of facility security plans.

I want to reemphasize I was a little surprised and impressed at what I saw at the Ports of Seattle and Tacoma—the security operation, the way the port officials work with Government officials and work with our security officials, DEA and Customs, and all the rest of them where there is a maze of entities that are involved. It seems to be working pretty well, I say to the Senator from Washington State. I went out there, frankly, not expecting much, and I was surprised and relatively pleased.

Am I still concerned and nervous? When you look at the Port of Seattle, as the Senator said on the floor, you have a city, two stadiums right there in a pretty compact area. You have ships coming in from all over the world at a steady stream. The risk of danger is unsettling, to say the least.

We need to do more. This legislation provides additional direction on the implementation of the Transportation Worker Identification Card Program. We can do that. In fact, they have already done it in the private sector. It is just the Government that is lagging behind.

It mandates the establishment of interagency operation centers to coordinate the security activities of the many Federal, State and local agencies.

I get a little nervous because I have dealt with this, too, where you have a major event. I remember one time when we had a drug cargo coming into my hometown. A pretty good fracas broke out about what was going to be the lead agency and take the credit. Was it going to be the local sheriff, was it going to be port authority, FBI, Customs or DEA?

Here is my answer: Who cares? Somebody needs to get the job done. Quit squabbling over who is the lead agency or who gets the credit or who gets the blame and make sure it is done seamlessly and effectively. I think we do that with this bill.

This bill mandates the establishment of interagency operations centers to coordinate the security activities of all these different agencies.

It mandates the establishment of an exercise program to test interagency cooperation.

It establishes a training program for ports and their workers.

It improves security in the international supply chain. That is what a lot of people say: Wait a minute, once it gets to Seattle, it is too late. Right. So what is happening at the port of embarcation? Who is looking at the situation there?

The bill ensures that following any maritime transportation security incident there will be an orderly resumption of cargo movement through our ports. It authorizes the Container Security Initiative, which examines containers at foreign ports prior to their shipment to the United States. It authorizes the Customs-Trade Partnership Against Terrorism Program to improve information sharing and cooperation between the private sector and the Department of Homeland Security.

Everything I was concerned about, while I was looking at these ports and ports in my hometown and gulf ports and other ports, I think this legislation addresses or moves in the right direction.

Now, I admit, some of it will include pilot programs or we are going to study this or that, and we waste so much money and so much time with that sort of thing. But when you are talking about very sophisticated, integrated, voluminous programs, like what is going on in our ports, a little thought might be a good idea.

Now, my complaint would be, why did we not do that a year ago, two years ago, three years ago? Well, sometimes the problem is us. We have to legislate. We have to do something. It is not enough that we just stand around and complain about our concerns, and then, when we have a chance to do something, we cannot follow through.

So I urge the leaders of these committees to press forward. Do it now. Let's not drag this out. There will be some good amendments that will be offered. Probably we ought to take them. Some of them are already being considered. Some of them have already been taken. There will be some amendments, really, that are just grandstanding.

Hey, that is our right. We are Senators. But I would just say we need to get this done. There is not a lot we can take credit for in terms of security in this particular Congress. This would be good. And besides that, I would hate to be the Senator who dragged this bill out or voted against this bill when an incident occurs.

This is a plus for the institution. When you do the right thing for the American people, there is plenty of credit to go around. Let's get this legislation passed and let's do it now. We do not need to be working on this at 6 o'clock Thursday night. We can finish this tonight or tomorrow. And then let's move on because it is well considered. It is bipartisan. There are some legitimate amendments. Let's take them up. Let's deal with them, and then let's go to another subject.

But overall, I feel good about the work that has been done on this bill, and I think we need to do more, and we need to do it very quickly. This will be a step in that direction.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, first of all, I congratulate the individuals responsible for bringing this bill to the floor. No one is more responsible than the senior Senator from Washington, Mrs. MURRAY. She has talked about this for years. This was a difficult bill because it had multiple jurisdictions—the Homeland Security Committee, the Finance Committee, and the Commerce Committee. The bill is here and I am glad it is here. It is long overdue. But this is a small slice of what we need to do to make America safe. We need to do much more. Five years after 9/11,

America is not as safe as it could be and should be. In my opinion, failures by this White House and inaction by this Republican-dominated Congress have left our ports and borders vulnerable, our chemical plants open to attack, our nuclear power facilities unsafe, our mass transit systems unsecure, and our military stretched to levels not seen since Vietnam. We need a new direction to keep America safe, and we need it now.

AMENDMENT NO. 4936

(Purpose: To provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror)

Today, I intend to offer the Real Security Act of 2006 as an amendment to the port security bill. The Real Security Act provides an aggressive plan to make America safe. It takes nothing away from the port security legislation before this body. It is based on the real lessons of 9/11, more than 5 years ago, that occurred, lessons that for too long have been ignored by this Congress. This Democratic amendment would get serious about all facets of security—not only on port security but also on rail, aviation, and mass transit.

My colleagues on the other side of the aisle talk tough about national security. Today we will see if they are serious about taking the required steps to actually keep America safe by joining with us in supporting a tough and smart plan to protect our families.

This Real Security Act would, first of all, implement all 41 recommendations of the bipartisan 9/11 Commission.

In a report card last year, the 9/11 Commission gave Republicans in Congress and the Bush administration D's and F's in implementing its recommendations. The amendment would provide the adequate resources for first responders, improve intelligence oversight and homeland security funding, and improve our tracking of material that can be used in nuclear weapons.

An additional section would equip our intelligence community to fight against terrorists. With all the tough talk from this Republican Congress about terrorism, it is striking, stunning to find that for the first time in 27 years, this Congress did not authorize the Intelligence bill for our intelligence community—the first time in 27 years. This year, again, there is no authorization, and we have 18 days remaining in this session of Congress. This Real Security Act would, in fact, adopt the Intelligence authorization bill that needs to be passed.

Third, the amendment will secure not only our ports but our rails, our airports, and our mass transit systems. In addition to that, it would protect our chemical plants. And this is real money here to protect our chemical plants, real money to protect our nuclear power facilities. Our nuclear generating facilities—it is no secret—have their independent security systems. Some have referred to them as ''rent-a-cop'' programs. What they do is put out the security of these nuclear power facilities to the lowest bidder. We have to have standard protection for our nuclear power facilities. That would be done with this amendment which we are going to offer.

As I indicated, this legislation will do some good things, in section 3, that I have talked about.

Customs and Border Protection, which we talk about a lot—this would actually give a half a billion dollars, $571 million, for necessary expenses for border security, including for air asset replacement and air operations facilities upgrade, the acquisition, lease, maintenance, and operation of vehicles, construction, and radiation portal monitors that Border Patrol tells us are absolutely essential, and they do not have them after 5 years.

It would give $87 million to the U.S. Citizenship and Immigration Services. As I have indicated, it would give an additional $55 million for air cargo security, including cargo canine teams and inspectors. It would give $250 million for aviation security, including—very importantly—after all these years after 9/11, we still do not have explosives monitoring equipment. The Coast Guard would be given $184 million—these are real dollars; these are not authorized dollars—for necessary expenses for the Integrated Deepwater Systems Program. The Coast Guard says this is essential. This section is important, as I have indicated, for making our country safer.

The fourth provision of this amendment would focus resources on the war on terror. Bin Laden's trail has gone cold, as we have seen in the papers in recent days. The administration has taken its eye off the war on terror and gotten our country bogged down in Iraq. This amendment will change this by increasing substantially our special forces operations to capture terrorists, to kill terrorists. It would improve our relationships with the Muslim world so we can help stop recruitment of new terrorists.

Fifth, the amendment would provide better, updated tools to bring terrorists to justice. We have a sense of the Senate on FISA. As we speak, there is good bipartisan work being done on domestic surveillance. Senator FEINSTEIN and others have worked on a bipartisan basis. It is my understanding she has, on the Judiciary Committee, at least two Republican Senators who will support her amendment. That is important.

As to the Hamden decision, the Supreme Court said we need to do something. And we do need to do something. Senators LEVIN and WARNER and others have worked on a bipartisan basis to do something about that. It would bring terrorists and detainees in Guantanamo Bay and other places to justice by listening to our military experts and helping to create tough tribunals that will lock up terrorists while respecting the Constitution and maintaining America's integrity. It is important we do this.

Finally, this amendment would change the course in Iraq. Our amendment would include the Levin-Reed resolution to move in a new direction in Iraq. There would be a transition of the U.S. mission in Iraq to counterterrorism, training, logistics, and force protection. No immediate withdrawal, nothing like that. It would begin a phased redeployment of U.S. forces from Iraq before the end of this year, as called for by some of my colleagues on the other side of the aisle. We would work with Iraqi leaders to disarm the militias and develop a broad-based and sustainable political settlement, including amending the Iraqi Constitution to achieve a fair sharing of power and resources.

We would convene an international conference—which has been called for by Senator BIDEN for years now, and others—and contact group to support a political settlement in Iraq, preserve Iraq sovereignty.

It is very important that this amendment be adopted. We have talked a lot about terrorism, homeland security, talked about doing something about what is going on in Iraq and Afghanistan. This amendment would do that. I would hope my colleagues on the other side of the aisle would allow us to adopt this amendment. I believe it is essential. We have waited too long. It needs to be done.

Mr. President, I ask unanimous consent that the amendment that is now pending be laid aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4936.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Mr. President, thank you very much.

I now yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am going to offer an amendment. I will ask that the pending amendment be set aside in a moment. I am not able to debate my amendment at this point because there is a large group of farmers who are in town to talk about disaster relief, and I am expected to be with them at 11:30. I am going to offer the amendment, go over and be a part of what they are doing, and then come back.

But before I offer this amendment, I want to say, just for a moment, this morning the new trade deficit figures were released. The highest trade deficit in America's history was announced

this morning: $68 billion. That is the highest trade deficit in our history: $68 billion for 1 month.

This is the most incompetent, unbelievably dangerous trade strategy, and yet all we get from anybody is this talk about free trade, free trade, how wonderful it is. Well, this last month alone, we are up to our necks in $68 billion of debt, the majority of which is held by the Chinese and the Japanese. If this month's trade deficit does not persuade some people to finally decide the current trade strategy is not working, then I guess nothing ever will.

But let me just, from this 1 month, extrapolate what our yearly trade deficit is with these various countries. We are running a trade deficit at a $240 billion-a-year level with China. Our trade deficit with the European Union is at a $140 billion-a-year level; OPEC, $120 billion a year; Japan, $90 billion a year; Canada, $70 billion a year; Mexico, $60 billion a year. It is unbelievable what is happening—$68 billion a month in trade deficits.

Now, I understand there are a lot of people who vote for all these trade agreements and think this is wonderful. This is not wonderful. It is undermining this country's economy, it will injure our economic future, and I think it will consign our children to an economic future and opportunities that are much less than we have experienced. I would expect and hope that one of these days this Congress and this President will wake up and decide that this trade strategy isn't working. We are choking on trade debt, moving millions of jobs overseas, and tens of millions more are poised to go.

If this doesn't persuade people to decide to stand up for this country's economic interests, I guess nothing ever will. At this point, we need, on an emergency basis, the understanding that we should create a fair trade commission in this country that leads us toward trade balance, getting rid of deficits, and standing up for American jobs and American interests. That hasn't been the case for a long time.

This morning's announcement simply underscores once again the dramatic failure of this trade strategy, the failure of this Government to stand up for this country's economic interests. I will talk about that more later.

AMENDMENT NO. 4937

Mr. DORGAN. Mr. President, I send an amendment to the desk, and I ask unanimous consent that the pending amendment be set aside.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 4937.

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

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

The amendment is as follows:

(Purpose: To prohibit the United States Trade Representative from negotiating any future trade agreement that limits the Congress in its ability to restrict the operations or ownership of United States ports by a foreign country or person, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. FOREIGN OWNERSHIP OF PORTS.

(a) IN GENERAL.—On and after the date of the enactment of this Act, the United States Trade Representative may not negotiate any bilateral or multilateral trade agreement that limits the Congress in its ability to restrict the operations or ownership of United States ports by a foreign country or person.

(b) OPERATIONS AND OWNERSHIP.—For purposes of this section, the term ''operations and ownership'' includes—

(1) operating and maintaining docks;

(2) loading and unloading vessels directly to or from land;

(3) handling marine cargo;

(4) operating and maintaining piers;

(5) ship cleaning;

(6) stevedoring;

(7) transferring cargo between vessels and trucks, trains, pipelines, and wharves; and

(8) waterfront terminal operations.

Mr. DORGAN. Mr. President, this amendment is simple. It relates to the issue of port security, which is the bill we are on. As you know, earlier this year we had a substantial amount of controversy about port security, at a time when the Bush administration gave the green light for Dubai Ports World, which was a government-owned company in the United Arab Emirates, to have the opportunity to take over management of seaports in our country—in New York, New Jersey, Baltimore, Philadelphia, New Orleans, and Miami, among others.

In February of this year, the Bush administration said that was fine for a company called Dubai Ports World to take over the management of these ports. It had been given official sanction to do so, and the President indicated that if the Congress didn't like it, and if the Congress passed legislation to do something about it, he would veto any bill Congress might approve to block the agreement that would allow the United Arab Emirates-owned company to manage American seaports.

Well, the UAE then indicated it was going to back away, and Dubai Ports World has now moved to try to find a way to sell its interest to others. My understanding is that it has not yet done so. But the circumstances are that the Oman Free Trade Agreement, which will come to the floor of the Senate this week we are told by the majority leader, includes a provision—I will describe it in greater depth later—that would prevent the Congress from interfering in any way with a foreign company from Oman from managing our ports.

My amendment is very simple. It would say that trade officials would be prohibited from agreeing to any trade agreement that would preclude the Congress from blocking a takeover of U.S. port operations by foreign companies. In recent trade agreements they have actually included—which we have negotiated with other countries—the opportunity for those countries and their companies to come in and run America's ports.

When we are talking about port security, don't tell me about security if we decide we are going to allow other countries, and companies owned in many cases by countries, to take over the management of America's ports. That is not port security and not, in my judgment, improving the security interests of this country.

We went through this debate about Dubai Ports World and United Arab Emirates. That issue is not resolved. It is being raised again in every trade agreement that is being negotiated and is included in the one with Oman that will be debated later this week. The majority leader wishes to take up that trade agreement. I believe there is a 20-hour requirement or debate provision with respect to that agreement.

I intend to talk at some length about what that agreement provides with respect to this provision. The provision in this trade agreement once again is that it is going to be just fine for foreign interests to come in and provide management and many other functions at America's seaports. Tell me how that will make this country more secure.

I don't think anybody can talk about security when at the same time, in trade agreements, we are saying we want other countries, and companies that are owned by these countries, in fact, to come in and manage America's seaports. That is a recipe for disaster, in my judgment.

I will speak more about it later. I wanted to at least lay the amendment down and have the opportunity to be in line after lunch and talk about this amendment at greater length.

I yield the floor.

Mr. GRASSLEY. Mr. President, everyone in this Chamber understands that we are in a political season. And that means we are going to be taking political votes. The amendment offered by the Senator from North Dakota is indeed one of those votes.

Now, Senator DORGAN is a friend of mine. We have worked together on a number of important issues. But let's face it. This amendment doesn't really do anything. It creates the appearance of a problem and then purports to resolve that illusory problem. So there really isn't any point to the amendment. But we also know, that no Member wants to be portrayed in a 30-second television commercial as having voted against U.S. ownership of port operations. So I recommend to my colleagues that they support this do-nothing amendment.

Let me explain why this amendment doesn't really do anything. This amendment says that after the date of enactment, the U.S. Trade Representative may not negotiate any bilateral or multilateral trade agreement that limits the Congress in its ability to restrict the operations or ownership of

U.S. ports by a foreign country or person. But the fact is, our trade agreements do not prevent Congress from legislating on any matter, including ports.

First off, Congress can always override an international agreement by passing subsequent legislation. That is an elementary principle of constitutional law. Moreover, our standard implementing legislation for trade agreements expressly states that if a provision of a trade agreement is inconsistent with any provision of U.S. law, then that provision in the trade agreement shall not have effect. In other words, in the event of an inconsistency between a trade agreement and U.S. law, Federal law prevails over the trade agreement. Yet this amendment suggests that the U.S. Trade Representative can somehow transcend our Constitution and Federal law by negotiating a trade agreement.

That is ridiculous. It is false. But as I said, we are in a political season. So I suggest we accept this do-nothing amendment, recognizing it for the political act that it is, and we move on. It is critical that we move this important legislation through the Senate as soon as possible and avoid getting bogged down in politics.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, I ask unanimous consent to lay aside the pending amendment, and I call up my amendment, which I believe is at the desk, No. 4930.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4930.

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

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

The amendment is as follows:

(Purpose: To improve maritime container security by ensuring that foreign ports participating in the Container Security Initiative scan all containers shipped to the United States for nuclear and radiological weapons before loading)

On page 5, between lines 20 and 21, insert the following:

(9) INTEGRATED SCANNING SYSTEM.—The term ''integrated scanning system'' means a system for scanning containers with the following elements:

(A) The container passes through a radiation detection device.

(B) The container is scanned using gamma-ray, x-ray, or another internal imaging system.

(C) The container is tagged and catalogued using an on-container label, radio frequency identification, or global positioning system tracking device.

(D) The images created by the scans required under subparagraph (B) are reviewed and approved by the Secretary, or the designee of the Secretary.

(E) Every radiation alarm is resolved according to established Department procedures.

(F) The information collected is utilized to enhance the Automated Targeting System or other relevant programs.

(G) The information is stored for later retrieval and analysis.

On page 43, strike lines 11 through 14 and insert ''enter into agreements with the governments of foreign countries participating in the Container Security Initiative that establish criteria and procedures for an integrated scanning system and shall monitor oper-''.

On page 44, line 5, strike ''and''.

On page 44, line 9, strike the period at the end and insert the following: ''; and''.

On page 44, between lines 9 and 10, insert the following:

(5) shall prohibit, beginning on October 1, 2008, the shipment of any container from a foreign seaport designated under Container Security Initiative to a port in the United States unless the container has passed through an integrated scanning system.

On page 60, strike lines 9 through 15.

On page 62, lines 7 and 8, strike ''As soon as practicable and possible after the date of enactment of this Act'' and insert ''Not later than October 1, 2010''

Mr. SCHUMER. Mr. President, I rise to talk about one of the most critical gaps in our homeland security, and that is port security. This week, everyone in my home State of New York—certainly there but also everywhere in America—is asking if we are safer since 9/11. I have to say, if you look at port security, the answer is an unfortunate no.

In this week of remembering the attacks on 9/11, I am pleased that the critical issue of port security is under consideration by the Senate. I think the Port Security Act of 2006 is a good start. I commend my colleagues, and particularly my friend from Washington State, who worked so long and hard on this issue. But I also want to be sure the legislation we pass provides real teeth and resources for port security.

The United States is the leading maritime trading Nation in the world. At any given moment our seaports are full of container ships, warships, cruise ships, and oil tankers. Every one of these ships is an opportunity for terrorists to strike at our industry, our infrastructure, and our lives. We know these enemies will wait patiently and plan carefully in order to create maximum panic and damage.

Our greatest risk is that a terrorist could easily smuggle a nuclear weapon through our ports, God forbid, and bring it into the United States. Once it gets out of the port, it will be gone, and we would not know about it until it is too late.

Yet, unfortunately, our vulnerable seaports have long been neglected by the administration. Programs to screen for nuclear materials are delayed and delayed and delayed. I have been pushing amendments such as this for years and, frankly, the administration, in lockstep with my colleagues on the other side of the aisle, generally talks the talk, but they do not walk the walk. They do not say we should not do research to guard against nuclear weapons being smuggled into our country, but then when it comes time to allocate resources to get it done, when the need is $500 million, they might allocate $50 million or $35 million. That is what has happened in years past. That is a disgrace. That is letting our guard down.

Mr. President, we need to fight the war on terror overseas, no question about that. But as any high school basketball coach will tell you, to win a game—in this case, a war on terror—you need both a good offense and a good defense. We have woefully neglected the defense. An example is the spending by this administration, DHS, and by the Senate and this Congress on port security.

By the end of this month, DHS will have provided $876 million in port security grants since 9/11. This is a fraction of what we have spent on aviation security, and it is far less than what is needed.

Maritime trade is booming. The Coast Guard estimates port owners will need $7.2 billion over the next 10 years to bring ports in line with Federal security requirements, and we need to give more funding and more attention to vulnerable seaports. If we ever needed convincing that this administration is asleep at the switch when it comes to port security, turn back the clock a few months to the fiasco over Dubai Ports World. That company, a government company from the United Arab Emirates, was cleared to take over operations at more than 20 ports along our eastern and gulf coasts without any serious review.

It was hard to believe. And then when the President learned there wasn't serious review, he still said we don't need it. Now that shows a profound and very disturbing unawareness of what we need for port security.

The Dubai Ports World takeover almost snuck under the radar, after getting scanty review from the CFIUS committee. There is only one bit of good that came from this Dubai Ports World fiasco. It revealed how little we had done to protect our ports and focused the Nation, and hopefully this administration, on bolstering port security in the United States and around the world.

I am inclined to support the Port Security Improvement Act of 2006, but I am also very concerned that this bill does not go nearly far enough toward securing our seaports and shipping vessels, especially against the unspeakable danger of a nuclear weapon.

This is our great nightmare. God forbid—God forbid—a nuclear weapon is shipped into this country and exploded. Nothing could be worse.

So instead of doing little baby steps, instead of saying this is a 10- or 15-year

project, why aren't we moving with alacrity to make ourselves safer against the greater danger we could face?

I know my colleague from Connecticut, who has just walked in, has been very active on this issue and has been very helpful to me when I have offered amendments in this regard.

We need to do much more to guard against nuclear weapons being smuggled into our country by sea, and we can't have any holes in our defenses. Today I am offering two amendments that will strengthen port security improvement in these key aspects.

The first amendment is the amendment that is pending, No. 4930. This amendment secures our ports by screening all cargo containers that reach our shores to make sure they do not contain a nuclear or radiological weapon.

More than 9 million cargo containers enter the country through our ports each year, and as we all know—it is sad, it is woeful—only 5 percent of these containers have been thoroughly screened by Customs agents. That is nothing short of an outrage. It would truly be a nightmare scenario if one of these unchecked containers had a nuclear weapon smuggled in by a terrorist group.

The latest I heard from some on the other side is: We can't guard against every single terrorist act. We don't have the resources or the focus to do it.

I disagree. But even if one believed in that philosophy, one would have to put nuclear weapons and the danger of them being smuggled into this country at the very top of the list of dangers. So even if one's view is we can't do everything, we certainly should do everything we can to prevent this nightmare scenario.

Terrorists, unfortunately, could detonate a nuclear bomb in a port or the bomb could be loaded on a truck or railcar and be sent anywhere in our country or terrorists could combine radioactive material with conventional explosives to make a so-called dirty bomb.

Any attack of this kind would cause unspeakable casualties, destruction, and panic. We know our enemies are ruthless and determined enough to plan this type of attack. Yet the administration has waited years and years, and I have been trying to importune them to take significant action on port security.

We know terrorists have tried to purchase nuclear materials on the black market, and we know that any shipping container could be used as a Trojan horse to smuggle deadly radioactive material into our country. But this country has not stepped up to the plate to fund port security at the levels that are necessary or to pass laws with real teeth.

This amendment will end this shocking state of affairs and make America safer by requiring that within 4 years, every container coming into the United States will pass an advanced nuclear detection system known as integrated scanning.

Integrated scanning is used now. I have visited—and so has my colleague; I visited, with my colleague from South Carolina, LINDSEY GRAHAM, Hong Kong about 6 months ago. It is an amazing system. The containers are not slowed down. They simply are required to drive through a portal with two detection devices, each on a side, that do two things: They first check for nuclear weapons and nuclear materials. The only good news is—they are terrible and dangerous—they emit gamma rays which pass through just about anything but lead. Even if they are hidden in an engine block, the detection device works.

At the same time, because lead may cover them, there is a scanning device that will reveal large chunks of lead. Once these trucks go through the devices with these containers, we will know if they have nuclear weapons or nuclear radiation, nuclear materials or, alternatively, a significant enough amount of lead that could shield those, and we could then inspect the container.

An integrated scanning system works. I have seen it with my own eyes. I salute the firm of Hutchison Wampoa, the largest shipping company in the world, for on their own instituting this system in the Port of Hong Kong. They do the checks using nonintrusive imaging technology. Then it is checked with a tracking device, as well as, of course, the nuclear device. And if the checks don't match up, Customs inspectors know something is wrong and can stop the container.

Isn't it a shame that China and Hong Kong have better port security than we have in the United States? Integrated scanning for nuclear weapons is a model of what it means to make a true commitment to port security.

We don't need to study this any more. My amendment sets firm deadlines for containers entering the United States to meet this mark. If it is working in Hong Kong, there is no reason why America shouldn't hold other ports that handle our commerce to the same high standard of safety.

There are some critics who say this is an unrealistic deadline; let's study it some more. It is working. It is there. It has been working for a year without flaws. Why do we have to study it when the danger is so great and the technology is there?

The Department of Homeland Security has wasted enough time securing our ports. It is time for Congress to hold DHS accountable and time for us to demand real security at our seaports.

Under this pending amendment, by October 2008, integrated scanning must be used to check all containers that arrive on U.S. shores from foreign ports participating in what is known as CSI, the Container Security Initiative.

There are 40 ports in the CSI in 22 countries. U.S. Customs agents, under the program, work directly to inspect containers bound for America.

But it is not enough to extend integrated scanning only to the ports in the voluntary CSI program. So my amendment also sets a deadline of October 2010 for every single container entering the United States to pass an integrated scan.

We have waited long enough for port security to receive the attention it deserves. While the Department of Homeland Security drags its feet, it is time to put our safety first by voting for a measure that will actually stop nuclear weapons before they ever get near the United States.

This does not cost the taxpayers a plug nickel. We simply require the shipping companies to do it. When Senator GRAHAM and I visited Hong Kong—and Senator COLEMAN, who has been very interested in this issue, will confirm it—they told us it costs about $8 to scan a container; whereas, the cost of shipping that container from Hong Kong to the west coast is $2,000. That is .2 percent.

Shipping companies will have to put these scanners in. They will then have to pass along the costs to their customers. But I doubt the U.S. consumer would see any increase, the amount is so small and competition in the shipping industry is so large.

I support this amendment and urge bipartisan support so we can once and for all say we are keeping our world safe.

AMENDMENT NO. 4938

I have another amendment which I am not going to ask to call up at the desk right now because we don't have anyone on the other side, and they haven't seen it yet. I don't think there will be any objection to calling it up, but I am going to talk about it now, and then we can get unanimous consent to call it up. It is amendment No. 4938. Let's talk about that.

This is the Apollo project amendment. Here is what it does.

Forty-four years ago today, John Kennedy vowed to put a man on the Moon by the end of the decade. That was a bold and visionary promise. NASA succeeded with time to spare because it was backed by the full extent of American resources and ingenuity. John Kennedy called for us to do it, and we went forward and did it. It was a bold and visionary promise.

Now it is time for Congress to make the same bold commitment to homeland security. Too often since 9/11 we have said this has to be done; here is $5 million when the job takes $100 million. As a result, 5 years after the attacks on our country, we are still far behind where we need to be. We must stop shortchanging port security.

This amendment dedicates $500 million over the next 2 years in competitive grants to public and private researchers who have innovative and realistic ideas for nuclear detection devices that will keep us ahead of our enemies. The funding is sorely needed.

We have to develop better portal monitoring devices. We need devices that can be positioned on cranes. We need devices that can be placed under water. In all of these areas, we need devices accurate and effective enough to keep commerce moving smoothly.

The model Hong Kong uses will work for big ports, but it may not work for small ports. In all these areas, we need the devices to be accurate enough and effective enough not only to detect radiation but to not have so many false positives that they interfere with commerce.

So many times in the past, this Congress has authorized appropriations for port security. They are simply hollow promises and do not go anywhere. This amendment is different. It makes a meaningful and long-term commitment of a worthy goal of keeping our seaports safe. Funding for the grant process will come from a port-related user fee that will be a dedicated source of revenue. It is only fair to ask those who will benefit most from port security improvements to contribute to this task.

We have spent $18 billion on aviation security in the past 5 years. Mr. President, $500 million is not too much to devote against the horrifying threat of a nuclear attack on our soil. The first amendment doesn't cost us any money. This amendment does. I imagine that is why there is a temporary holdup on the other side to offering it.

The bottom line is the leaders of the 9/11 Commission called a nuclear weapon being smuggled into this country ''the most urgent threat to the American people.'' Congress has done far too little for far too long in this area. We are running a marathon against a ruthless enemy. We haven't taken any more than a few halting steps. We can no longer afford to fail in securing our ports.

I ask my colleagues to support both amendments, when we have a chance to vote on them, to strengthen this important bill.

Once again, she wasn't here earlier. I praise my colleague from Washington for the good work she has done on this bill, a bill I am strongly inclined to support.

Mr. President, I yield the floor.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to speak on the overall bill before the Senate to express my strong support for it and to say I am proud to be an original cosponsor of the Port Security Improvement Act of 2006 and its predecessor, the GreenLane Cargo Act.

Seeing that the clock is reaching noon, I ask unanimous consent we extend the time for the scheduled vote by 10 minutes.

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

Mr. LIEBERMAN. I thank the Chair. Mr. President, I rise to express my support for the bill and say I am proud to be a cosponsor with Senator COLLINS, Senator MURRAY, and Senator COLEMAN. This is a comprehensive, bipartisan port security bill. I would also like to thank Senator STEVENS and Senator INOUYE of the Commerce Committee, and Senator GRASSLEY and Senator BAUCUS of the Finance Committee, for their hard work, leadership, and commitment to passing a port security bill this Congress. This is really important. In the midst of a Congress and a Capitol that has become all too reflexively and destructively—I might say self-destructively—partisan, and that partisanship getting in the way of us getting anything done, this is a bill on which members of our Homeland Security Committee and the other relevant committees have risen above partisanship and focused on a real threat to our security, a terrorist threat that would come to us in containers moving through our ports or in terrorist acts at our ports.

I know there will be many amendments offered this week. I hope we will consider them in the fullness of debate that is part of the Senate but that we always ask ourselves the question: Will this amendment stand in the way of this bill passing and making it through conference committee to be signed by the President? This is urgent and this bill responds comprehensively to the urgent terrorist threat that we face.

Ninety-five percent of our international trade flows through our ports. Prior to 9/11, the main goal was to move these millions of tons through our ports efficiently, quickly, for reasons obviously of commerce, jobs, and employment. Since 9/11, we have realized that we need to bring security into the equation but without inflicting on ourselves the precise economic harm that the terrorists intend to do to us. This is a difficult but imperative balance we must achieve.

The 9/11 Commission report said that ''major vulnerabilities still exist in cargo security,'' and that, since aviation security has been significantly improved since 9/11, ''terrorists may turn their attention to other modes. Opportunities to do harm are as great, or greater, in maritime and surface transportation''—i.e. ports.

Just last month, RAND's Center for Terrorism Risk Management Policy published a report entitled ''Considering the Effects of a Catastrophic Terrorist Attack'' that considered the effects of a nuclear weapon smuggled in a shipping container sent to the Port of Long Beach in California and detonated on a pier. This is chilling.

But I remember that the 9/11 Commission, in its conclusions, said one of the great shortcomings we had prior to 9/11 was a failure of imagination. Imagination is usually thought to be a wonderful thing, but what they meant by that is our inability to imagine how brutal, inhumane, and murderous terrorists could be.

The potential short- and long-term effects of a nuclear weapon smuggled in a shipping container sent to the Port of Long Beach and detonated on a pier are devastating. The report estimated that up to 60,000 people might die instantly from the blast or radiation poisoning, with 150,000 more exposed to hazardous levels of radiation.

The blast and fires could completely destroy both the Port of Long Beach and the Port of Los Angeles and every ship in the port. As many as 6 million people might have to be evacuated from the Los Angeles area, and another 2 to 3 million people from the surrounding area might have to relocate due to the fallout. Gasoline supplies would quickly dry up because one-third of all the gas used on the west coast is processed at the refineries of the Port of Long Beach.

Short-term costs for medical care, insurance claims, workers' compensation, and evacuation and reconstruction could exceed $1 trillion. By comparison, the cost in similar categories resulting from the attacks on America on September 11, 2001 were between $50 billion and $100 billion. Besides damage to the United States, the attack would cause economic effects that would ripple across the globe.

That is devastating and chilling. I hesitate to even speak it on the floor of the Senate, and yet it is the world in which we live, and the threat is real.

The unsettling fact is, we still have too little idea about the contents of thousands of containers that are shipped into and across the heart of America every day. It is strange to say, but perhaps the controversy over the Dubai Ports World incident raised the collective consciousness of the American people and Members of Congress to the vulnerabilities that we face at our ports. Following that incident, the Homeland Security and Governmental Affairs Committee marked up the GreenLane bill, and later Senators COLLINS, MURRAY, and I started working with the Senate Commerce and Finance Committees to craft the comprehensive port security legislation that is before the Senate today.

The Port Security Improvement Act of 2006 builds on these foundations for homeland security by strengthening key port security programs by providing both direction and much-needed resources. I would like to focus my colleagues' attention on a few critically important parts of the bill.

First, the bill moves us closer to the goal of inspecting all of the containers entering the United States through our ports. The legislation requires DHS to establish a pilot program to inspect 100 percent of all containers bound for the U.S. from three foreign ports within 1 year and then report to Congress on how DHS can expand that system.

There is legitimate concern that inspecting 100 percent of containers would be so burdensome that it would bring commerce to a halt. However, technology companies have been working for several years to build more efficient inspection systems. The Port of Hong Kong is currently testing an integrated inspection system to scan every

container entering the two largest terminals at that port, while the research and development offices of DHS have begun work on developing automated systems to analyze this data. We should move towards 100 percent inspection as fast as we can get there, understanding that we can not afford to bring commerce to a halt. This legislation will provide us critical information about how soon we can achieve this goal.

Second, this bill authorizes comprehensive and robust port security grant, training, and exercise programs, with a $400 million grant program available to all ports. Third, this legislation requires DHS to deploy both radiation detection and imaging equipment to improve our ability to find dangerous goods and people being smuggled into the United States.

DHS has committed to deploying radiation portal monitors at all of our largest seaports by the end of 2007. Unfortunately, this ''solution'' is, in fact, only half of the equation. To provide real port security, radiation detection equipment capable of detecting unshielded radiological materials, as these portal monitors do, must be paired with imaging equipment capable of detecting dense objects, like shielding.

This legislation requires DHS to develop a strategy for deploying both types of equipment, and the pilot program for screening 100 percent of containers at three ports similarly requires that both types of equipment be used.

Fourth, this bill requires DHS to develop a strategic port and cargo security plan, and it creates an Office of Cargo Security Policy in DHS to ensure Federal, State, and local governments and the private sector coordinate their policies.

Currently, the Coast Guard is responsible for the waterside security of our ports. U.S. Customs and Border Protection regulates the flow of commerce through our ports. The Transportation Security Administration is responsible for overseeing the movement of cargo domestically. And the Domestic Nuclear Detection Office has been working with the Defense Department and the Department of Energy to strengthen our ability to detect radiological materials anywhere in the country.

It is imperative that these agencies, offices, and departments are working closely with each other, as well as State and local government and the private sector to develop and coordinate port security policies and programs.

Lastly, this bill requires DHS to develop a plan to deal with the effects of a maritime security incident, including developing protocols for resuming trade and identifying specific responsibilities for different agencies.

This is critically important to ensuring the private sector and our global partners have enough confidence in our system, so that we can mitigate any economic disruption and foil a terrorist's plan to hurt our economy.

Moving the Port Security Improvement Act of 2006 forward will take us one giant step closer to where we ought to be by building a robust port security regime, domestically and abroad, and provide the resources necessary to protect the American people.

I look forward to continuing to work with Senators COLLINS, STEVENS, INOUYE, GRASSLEY and BAUCUS, and our colleagues in the House, to finalizing meaningful port security legislation.

Yesterday was a day of remembrance and requiem. Today is a day to resolve that we will do everything in our capacity to make sure that no terrorist attack against our country and our people succeeds in the future. That is the intention of this bill. I urge Members of the Senate to adopt it by this week's end.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the hour of 12 p.m. having arrived, the Senate will proceed to a vote on amendment No. 4921 offered by Senator DEMINT, as amended.

Mrs. MURRAY. Mr. President, 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 on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Indiana (Mr. BAYH), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—95

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

NOT VOTING—5

Akaka	Chafee	Sarbanes
Bayh	Mikulski	

The amendment (No. 4921) was agreed to.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

2006 LITTLE LEAGUE WORLD SERIES CHAMPIONS

Mr. CHAMBLISS. Mr. President, I rise today to encourage my colleagues to join Senator ISAKSON and me in supporting a resolution congratulating the 2006 Little League World Series Champions, the Columbus Northern Little League team of Columbus, GA.

On August 28, 2006, the Columbus Northern Little League team defeated the Kawaguchi Little League of Japan by a score of 2–1 and concluded their season with an impressive record of 20 wins and only 1 loss. And when you consider the fact that more than 7,000 Little League all-star teams took the field in July, you realize the magnitude of this accomplishment.

Their talent, hard work, and sportsmanship allowed them to become the second team from the State of Georgia to win the Little League World Series, and in doing so they captured the hearts of people across Georgia and in many parts of the Nation who love the game of baseball.

As a former Little League coach during the years that Julianne and I were raising our children in Moultrie, I was so proud to participate in the longstanding tradition of Little League Baseball as a coach for my son's team—the Destiny Dawgs. There is no question that this great arena of sportsmanship, founded in 1939, builds confidence, determination, and hard work in youth.

And since the inception of the Little League World Series in 1947, it has grown to encompass not only national teams, but teams from all around the globe.

I would like to recognize the 11 young men of the Columbus Northern Team individually for their great accomplishment: Matthew Hollis, Ryan Lang, Mason Myers, Matthew Kuhlenberg, Patrick Stallings, Josh Lest, Brady Hamilton, Cody Walker, J.T. Phillips, Kyle Rovig, and Kyle Carter, who became the only pitcher in Little League Baseball World Series history to win four games in one series. Their manager Randy Morris and their coach Richard Carter deserve strong recognition for guiding these young players to victory.

And I would be remiss if I didn't recognize the teachers and students of these young men's schools, and the fans who represented their community and the State of Georgia with such enthusiasm and support.

It is with great pride that I extend my heartfelt congratulations to the

Columbus Northern Team and their families. Columbus, the city that produced Major Leaguers Frank Thomas and Tim Hudson, now has a few more heroes to celebrate. I am extremely proud of them and their accomplishments and wish them great success in the future. I urge my colleagues to support this resolution.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I am pleased to join my colleague, Senator CHAMBLISS, in support of the resolution honoring the Columbus Northern Little League, the Little League World Series champions for the year 2006.

I am particularly honored to pay tribute to them because this is deja vu all over again for me; in 1983 another Georgia team, the East Marietta team, where I live, was the first Georgia team to win the Little League World Series. So now, in just 60 years, 2 of the 60 champions have come from our great State.

SAXBY and I had the chance to meet these fine young men with the President of the United States just last week on Thursday on the tarmac at Dobbins Air Force Base. They were poised, they were excited, and they were proud.

I also pay tribute to the parents of these young men. If you watched the championship game against the State of New Hampshire when they won the American title, before they went on to play Japan, you saw the parents of these young men, right before the game, sharing their baskets of Georgia peaches with the parents of the New Hampshire team, just as they did with the Japanese team 2 days later. The parents showed the sportsmanship and good will and the care and the compassion that makes Little League Baseball so special.

These are special young men: Matthew Hollis, second baseman and center fielder; Ryan Lang, right fielder; Mason Meyers, right field and third base; Matthew Kuhlenberg, left field; Patrick Stallings, third base; Josh Lester, second base and shortstop; Brady Hamilton, first base, outfield, and pitcher; Cody Walker, catcher; Kyle Carter, pitcher; J. T. Phillips, shortstop and pitcher; and Kyle Rovig, left field and pitcher. And there was the management and leadership brought by manager Randy Morris and coach Richard Carter.

These fine young men played wonderful baseball all the way through the tournament. But in those final two games against New Hampshire and Japan, they soared and played like true professionals—young men who had been taught well, who were respectful, and who knew how to pay the price for victory.

Columbus Northern is our State's second team to win the Little League World Series. Kyle Carter, the pitcher, made history by striking out 11 batters and became the first pitcher in history to win 4 times in the Little League World Series.

We cannot forget Cody Walker's hitting—with the pitch and where it was pitched—and knocking a two-out pitch over the fence in right field for the two runs that won the game over Japan, nor can we forget the great second baseman workmanship of Josh Lester nor any of these fine young men who brought great pride to their State, great pride to their parents, and great pride to the great city of Columbus, GA.

I am pleased to rise today on the floor of the Senate and join Senator CHAMBLISS in acknowledging the great achievement of these young men and encourage the Senate to unanimously adopt this resolution of recognition and appreciation for the Columbus Northern Little League team.

Mr. President, I yield back.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT—Continued

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I yield to the Senator from Colorado.

AMENDMENT NO. 4935

Mr. SALAZAR. Mr. President, I ask unanimous consent that the pending amendment be set aside so I can call up amendment No. 4935.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. PRYOR, and Ms. CANTWELL, proposes an amendment numbered 4935.

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

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

The amendment is as follows:

(Purpose: To create a Rural Policing Institute as part of the Federal Law Enforcement Training Center)

At the appropriate place, insert the following:

SEC. _____. RURAL POLICING INSTITUTE.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the Office of State and Local Training of the Federal Law Enforcement Training Center (based in Glynco, Georgia), to—

(1) evaluate the needs of law enforcement agencies of units of local government and tribal governments located in rural areas;

(2) develop expert training programs designed to address the needs of rural law enforcement agencies regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics identified in the evaluation conducted under paragraph (1);

(3) provide the training programs described in paragraph (2) to law enforcement agencies of units of local government and tribal governments located in rural areas; and

(4) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers of units of local government and tribal governments located in rural areas.

(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall be configured in a manner so as to not duplicate or displace any law enforcement program of the Federal Law Enforcement Training Center in existence on the date of enactment of this Act.

(c) DEFINITION.—In this section, the term ''rural'' means area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

(1) $10,000,000 for fiscal year 2007; and

(2) $5,000,000 for each of fiscal years 2008 through 2012.

Mr. SALAZAR. Mr. President, I ask unanimous consent that Senator CANTWELL be added as a cosponsor to this amendment.

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

Mr. SALAZAR. Mr. President, I rise this afternoon to discuss my amendment to create a rural policing institute within the Federal Law Enforcement Training Center. I thank Senator CHAMBLISS, Senator ISAKSON, and Senator PRYOR for cosponsoring this very important legislation. Law enforcement matters should be nonpartisan, so I am particularly pleased to see my friends from both Arkansas and Georgia on this amendment.

I want to acknowledge the tremendous work done by the 800,000 State and local law enforcement officials and first responders throughout our Nation. They are at the forefront today of our efforts to make sure our homeland is more secure. In Colorado alone, there are 14,000 of these law enforcement officers. Too often, these heroes are on their own when it comes to help from the Federal Government. This is especially true when it comes to rural America. This is wrong because our law enforcement officials and first responders are at the forefront of the effort to not only protect our communities but to ensure our homeland is secure.

Mr. President, along with some of my colleagues on the Senate floor, I have often referred to these rural communities as ''the forgotten America.'' Indeed, rural America is the backbone of our country, but it is too often neglected by Washington and political figures who have lost touch with the people in the heartland. Nowhere is this neglect felt more acutely than in the small-town law enforcement agencies of my State and of every State in the country. These are small communities that have been confronted with decreased funding, with increased

homeland security responsibilities, and with the great toll of the meth epidemic that is devastating rural America.

Many people don't realize that most American law enforcement agencies serve rural communities or small towns in very large proportions. Indeed, of the nearly 17,000 police agencies in the United States, 90 percent of them serve a population of under 25,000 people. And of those, most of them operate with fewer than 50 sworn officers and, in many cases, with 3, 4, or 5 officers.

I am well aware of the difficulties these small-town law enforcement agencies face day to day. As attorney general in Colorado, I had the honor of working with 14,000 of some of America's finest law enforcement officers. Many of them are from rural Colorado—sheriffs such as Jerry Martin, from Dolores County, and the other sheriffs in my State. These people are always asked to do a lot more with a lot less. Their pressure is great. The growing demands on rural law enforcement and shrinking budgets have hit training programs particularly hard. Many rural law enforcement agencies simply don't have the budget to provide officers with adequate training. Furthermore, even those agencies that can come up with the money cannot afford to take police officers off the street to get additional training.

As attorney general and chairman of the Colorado Peace Officers Standards and Training Board a few years ago, one of my proudest accomplishment was working on a bipartisan basis to help establish a $1 million annual training fund for Colorado's 14,000 peace officers, with the focus on the smaller law enforcement agencies in Colorado.

That is where our amendment on the floor today comes in. FLETC does a fantastic job in training Federal, State, and local law enforcement in our Nation. But FLETC doesn't have enough resources dedicated specifically toward training rural law enforcement officers. The rural policing institute would do the following:

First, evaluate the needs of rural and tribal law enforcement agencies throughout our Nation, so that we know exactly what the challenges are that we are facing in those rural communities.

Secondly, it would develop training programs designed to address the needs of rural law enforcement agencies, with a focus on combating meth, domestic violence, and school violence.

Third, it would export those training programs to rural and tribal law enforcement agencies.

Fourth, it would conduct outreach to ensure that the training programs reach rural law enforcement agencies.

As attorney general, I learned that a small investment in law enforcement can pay great dividends.

Mr. President, when we look at 9/11 today and the fact that we are all united in this effort to try to make America safer, and we look at who it is within our country who ultimately will be out there to stop the next attack on America, I would submit there is a very good chance it is going to be the deputy sheriff in a small county somewhere in America or a member of the police force in some small community making sure that a water tank is not contaminated with some kind of biological contamination or it is going to be somebody else who understands that some kind of a network has come together to try to take the fertilizer that our farmers use in rural America and make a bomb out of it. It is going to be rural law enforcement that is going to make sure they are going to help us prevent those kinds of attacks on America. When we think about the 800,000 men and women in law enforcement across America, they are on the frontlines, in terms of making sure we have a more secure homeland.

I cannot think of a more important amendment than to establish a rural police training institute under the auspices of FLETC, to ensure that these 800,000 men and women have the right kind of training so that through their eyes they can help us in our march and our efforts to make America more secure. We have a long way to go. I hope our colleagues will support this bipartisan amendment to establish a rural police training institute.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 4940

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk, and I ask unanimous consent that the pending amendment be laid aside.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 4940.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that 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 the limitation on the number of Transportation Security Administration employees shall not apply after the date of enactment of this Act, and for other purposes)

At the appropriate place, insert the following:

SEC. ——. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY.

(a) IN GENERAL.—Notwithstanding any provision of law to the contrary, any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, does not apply after the date of enactment of this Act.

(b) AVIATION SECURITY.—Nothwithstanding any provision of law imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, the Secretary of Homeland Security shall recruit and hire such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of less than 10 minutes.

Mr. LAUTENBERG. Mr. President, I wish to talk about the current hiring limit on TSA screeners at our Nation's airports. That is what this amendment deals with—to eliminate the current hiring. One can ask: Why can't we just add more funding to TSA's budget and let them hire the personnel they need?

Unfortunately, it is not that simple. Each year, in the Homeland Security appropriations bill, the House Republican leaders tie the hands of TSA officials by setting an arbitrary limit on the number of screeners they can hire.

This cap has no basis in security. It is not what the security experts at TSA want. This cap only undermines our security, while forcing Americans to wait in longer security lines at airports.

This arbitrary cap currently restricts the TSA screener population to 45,000. Now, 45,000 is a large number, until you consider that 2 million people fly within the United States every day. In our discussions with TSA officials, it is clear that we need more than 45,000 screeners.

Mr. President, we are at a point in time, I am told by the managers of airports, particularly at Newark Liberty Airport, that we are likely to be exceeding the gross travel numbers in aviation that were achieved in the year 2000. So here we are with more people traveling, more concern about terrorist invasions of our country and particularly in aviation.

So why do we have this cap? Well, it is not for security, it is not for efficiency. Believe it or not, it is based on ideology.

Conservatives in the House want this cap to limit the growth of a so-called big Government workforce. But do you know what? The American people want this workforce, and they want it fully staffed, as I do; we should all want it fully staffed.

The result of this ill-advised cap is the shortage of screeners. We witnessed this last month when British and U.S. authorities foiled a plot to attack airliners headed to our shores using liquid explosives.

In the days following the British threat, DHS raised the security alert level and overworked screeners at American airports. They had to doublecheck bags, conduct random searches at gates, and help calm anxious crowd fears. At Newark Liberty Airport in New Jersey, screeners worked 12-hour shifts and 60-hour weeks for several weeks after the London incident. There were reports of exhausted screeners falling asleep at x-ray machines. One screener said that his colleagues ''can't maintain these

12-hour days.'' Remember, this work is on your feet. You are mandated to look at every little detail in front of you. It is exhausting work. Overstretching this workforce puts the American people at risk, and that is unacceptable.

Now, with my amendment, TSA will be able to hire enough well-trained, alert screeners to give us the safety and efficiency we deserve. Since 9/11, long lines have been the rule rather than the exception at our Nation's airports. Each year, 760 million people fly in the United States, and by 2015, we will hit 1 billion passengers a year.

Anyone who has traveled by air in the last few years has seen this congestion at airport security checkpoints. To give an example, this is Orlando Florida International Airport. The lines are waiting to go through security. We see the same thing throughout the country. This is Denver, a very efficient airport, but one cannot get through security in time enough, in many cases, to reach the flights. It is an unacceptable condition. This is the international airport in Nashville, TN—lines and lines. We see it wherever we travel in almost any part of the country.

The Senate accepted an amendment I offered in July to the Homeland Security appropriations bill to eliminate this arbitrary cap, but the Republican majority in the House of Representatives wanted to remove my amendment in the final bill that will be sent to the President. They want to keep the 45,000-worker cap rather than letting TSA decide what its workforce needs are. Security cannot be based on arbitrary numbers. Conservative ideology must not trump commonsense security needs.

Americans stuck in long security lines at airports don't care about ideology. They want to get through, and they want to get through on time. The mission for our system to operate efficiently is to have no longer than 10-minute waits, and we can only accomplish that if we have the people and the equipment to review this baggage as it comes to them.

The American people want to know that they and their families are safe when they fly. This body needs to go on record on this issue so it can scrap this limit once and for all. I hope my colleagues will look carefully at this amendment. Listen, remember, it might be their family who is on an airplane, it might be their friends who are on a particular airplane, it might be anybody who is entitled to feel secure when they are in an airplane. But judge it by one's personal attitude and say this is a responsibility we have as Senators to want enough people to assure security wherever we can get it. One way to do that is to have enough of these screeners working these lines, fully awake, able to handle their jobs, and reduce what we find is significant growth in sick days among the screener population. There are a lot of absences.

Perhaps we will hear: We have a 45,000-person limit, but we only have 43,000 people working. The problem is we will always have some absentees. We will always have some job turnovers. These are not easy jobs. So we are going to have a difference between the number hired and the number at work at a given time. We should raise the limit so we know we are increasing the likelihood that all of the places will be covered, that the flying public will be able to get through their security check within a 10-minute timeframe.

I urge my colleagues to support the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. LAUTENBERG. How many do we need, Mr. President, for the yeas and nays?

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. STEVENS. 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. STEVENS. Mr. President, I understand the Lautenberg amendment is the pending amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, this would lift the TSA's current screener cap of 45,000 persons. The cap is at 45,000, but currently the resources available to TSA allow for only 43,000 screeners, and currently there are only 41,000. The reason is there is such an enormous turnover in screeners. They work for a small period of time and then move on to other jobs.

We have enhanced screening technology and improved staffing models that have helped maximize the workforce currently available. We have a strong security system with minimal passenger line waits. They have been reduced considerably.

I do believe the Lautenberg amendment is not necessary. The current cap of 45,000 screeners helps us maintain the pressure on the TSA to employ new screening technology. I personally met in a classified briefing with the head of the TSA to discuss this problem last week. It was classified because of some of the technology that is involved and new models being pursued. One of the comments that was made to me was that the cap really helps us maintain the pressure to secure the new screening technology and reduce the redundancy in the workforce. The workforce is only relevant to the extent the technology does not do the job. We believe we should have more and quicker screening, and that is going to be brought about by new technology. That is where we have put our money this year.

Unless my friend wants to make any further comments, I intend to move to table this amendment. I still have the floor. Does my friend wish to have some time on the amendment?

Mr. LAUTENBERG. I wish to ask the Senator from Alaska a question, if I might, in relation to his comments.

Is it not possible that with the increased passenger volume we are seeing—and it is about to break the record held since the year 2000 in terms of volume of people traveling—is the manager, the committee chairman, aware of the fact that TSA has said that in order to have a 10-minute wait or less, they need more screeners than they have? They need as many as 48,000.

Mr. STEVENS. I say to the Senator, in answer to the question, I personally talked with the head of TSA. He told us they have never been able to reach the cap yet because of unavailability of people to take these jobs under the circumstances that they must be screened and checked themselves before they are employed. The delay in getting the clearances for screeners is one of those things that hold people up. It is not the limited resources or the cap that is the problem; the problem is getting people who will take these jobs who can fit through the screening process they face before they become a screener.

As I said, the current cap is 45,000. There are 41,000 right now with full-time employment and people trying to find more screeners. The answer isn't to raise the cap; the answer is to keep the pressure on the system so we use more technology, not more screeners. More screeners is more delay. The technology processes these inspections faster than individual screeners can.

Mr. LAUTENBERG. Mr. President, if I may ask the Senator from Alaska another question, and that is, if we had a higher cap and were able to persuade the management of TSA to search for a larger pool of people, might we have more people available presently to serve? My experience from my corporate life tells me that you never quite reach the level you have. We see that in our staffing here.

I urge the Senator from Alaska to respond to whether the Senator thinks we can improve our population of screeners who are readily available if we search a little bit harder, train a little bit better, reduce the fatigue factor which now occurs and causes so many sick days, so many absences, and so much turnover because the job, at 60 hours a week, as many of our people are working, is a strain on them and they just can't take it.

Mr. STEVENS. Mr. President, I say to my friend again that the workforce right now is approximately 41,000 in number. The turnover rate is enormous because they don't want to stay in these jobs. They are not exactly the kind of full-time jobs some people want to pursue. It is not a career.

The real problem is we already are capped at 45,000. There is room for 4,000 more right now. They are looking for

them. But as we speak, there are more people leaving than we can add to the force. The reason is the problems associated with this type of activity. It is the screening, as we all know, as we go through these lines and through the detection systems at the airports. The people who have the jobs just don't like to stay on that kind of a job. We have discussed how we get around it. I don't know, but increasing the number will not solve the problem. Increasing the cap is what the Senator wants to do. The concept of lifting that cap is not a solution. The solution is to try to find some way to make the job more attractive, maybe pay them more, whatever it takes.

The two limitations involved right now are the 45,000 cap and the budget resources that are available now. We tried to increase that, but we have not been able to get additional moneys yet for this purpose in terms of the screeners.

The TSA budget resources currently, as I said, allow for only 43,000. But still that is 2,000 more than are actually on duty right now, and the cap is still 4,000 above that. They can go to a 10-percent increase under the existing circumstance. Lifting the cap is not the answer is what I tell my friend.

Mr. LAUTENBERG. I have so much respect for the Senator from Alaska. He is on top of the issues of security, as well as aviation. But is the Senator aware that many of the screeners are on military duty or medical leave because of exhaustion? Shouldn't we try to improve the pool of people from which we can choose? We have as much as 10 percent of the workforce out at a time. If it is 10 percent of 48,000, that is 4,800. That is quite different from having a population that is short on the job. We don't have enough time.

I can simply add that at Newark Airport, we are about 10 percent short of the number we need, something over a thousand. We can't get them. The recruiters can't search for them because they will be bumping up against the cap. I think and I hope the Senator will reconsider. I believe—and I throw this in for the Senator's consideration with my question; that is, aren't we better off taking the limit off and trying to find a way—we are talking about security of the people. The Senator doesn't need any lecture from me. But aren't we better off knowing that everybody who can make a connection can get through in 10 minutes, thoroughly screened, and having a population that is equal to the growing population of those who want to travel by air?

Mr. STEVENS. Mr. President, I understand the Senator from New Jersey. He is really trying hard, and I am trying hard, to work on this problem. Let me tell the Senator this: 37.5 percent of the screeners at Dulles turned over last year; 37.5 percent left. The reason is they are handling bags; they don't like the hours, as you mentioned; they work hours in accordance with the shifts based on the number of flights, not in terms of—it is not a steady workload is what I am saying. So they might be there 10 hours, but they are working 6 of that 10 hours and very hard in those 6 hours. The turnover rate is enormous.

I do think the difficulty is not in the cap; the difficulty is in the money. We have to impress on our people in the appropriations process to provide more money. We are trying to see if we can find some way to justify higher salaries. In some places, the salaries are enormous for small airports. In others where you deal with the numbers of passengers at Dulles or New York airports or Los Angeles, those airports are totally overworked, and the turnover in those big airports is enormous, almost 40 percent a year. You have to consider the fact that these replacements have to be cleared under the clearance process with regard to security. They have to be cleared people; they cannot be people who just walk in off the street. It takes months to clear one of them. You can lift the cap all you want, but you are not going to get any more than 45,000 in the next year.

Mr. President, let me tell my colleague this: We will just accept the amendment because it won't make any difference in terms of the number of screeners who are available. That is what my staff just told me. Why am I arguing? Because no matter what the ceiling is, we won't have any more screeners.

Mr. LAUTENBERG. Mr. President, is the Senator aware of the fact that this was an amendment which was already there, it was already conferenced and was dropped in conference? The Senator is certainly aware of the process here. If you don't like it, accept it; it will die of its own weight.

For the Senator's information, before the screeners were federalized, the turnover rate was 400 percent and we were ignoring the risks we were putting people under. That was a porous thing. You could walk through there with almost anything.

What we want to do is get a stable workforce of screeners who have passed the vetting, who work normal hours, who have—and by the way, the Senator is absolutely right about the improvement in equipment so the baggage lifting doesn't have to be as strenuous as it is.

So I would ask the Senator whether we can have a vote.

Mr. STEVENS. Have a vote on it?

Mr. LAUTENBERG. And when we meet with the House, let the conferees, when the issue goes to conference, look at the issue and review what it is that is keeping them from——

Mr. STEVENS. I will give you a vote and move to table. I will tell my friend, this isn't a solution to the problem. The solution is in more money and finding a way that we can get people who are cleared to take the job and keep it. You can't put just anybody in there handling those bags. If you get a terrorist in there, they could add something rather than see whether there is something in the bags. So they all have to be cleared. This ceiling is not an issue.

Mr. LAUTENBERG. Mr. President, if I may respond to say I am so pleased that the Senator is asking for more money for screeners, and we will try to convince the appropriators jointly to increase the funding for those workers.

Mr. STEVENS. Will the Senator just let us take it to conference and see what we can work out? I don't see that the number makes any difference. The problem is the process and who is hired and what are the restrictions and how much money is available, not the numbers. You could put the number at 90,000 and we will still have 41,000 people next year.

Mr. LAUTENBERG. Mr. President, we obviously don't agree. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. Mr. President, there is a series of meetings going on in the Capitol right now pertaining to national defense issues, and I would like to see——

Mr. LAUTENBERG. Mr. President, I note the absence of a quorum.

Mr. STEVENS. I still have the floor.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I want to work this out with my friend to have the time for a vote that he wishes to have. Could we have this vote at 5 o'clock? Is that all right? We will ask for the yeas and nays with the understanding that we will vote at 5 o'clock.

Mr. LAUTENBERG. I appreciate that.

Mr. STEVENS. I join him in requesting the yeas and nays and ask unanimous consent that the vote take place at 5 o'clock.

The PRESIDING OFFICER. Is there a sufficient second? There is. Without objection, the unanimous consent request is agreed to.

AMENDMENT NO. 4931

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk, amendment No. 4931, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 4931.

Mrs. HUTCHISON. 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 strengthen national security by adding an additional 275 Customs and Border Protection officers at United States ports)

On page 76, line 1, strike ''725'' and insert ''1000''.

On page 77, strike lines 17 through 21 and insert the following:

''(A) $130,000,000 for fiscal year 2008.

''(B) $239,200,000 for fiscal year 2009.

''(C) $248,800,000 for fiscal year 2010.

''(D) $258,700,000 for fiscal year 2011.

''(E) $269,000,000 for fiscal year 2012.''.

Mrs. HUTCHISON. Mr. President, my amendment would increase the number of U.S. Customs and Border Protection officers by 275. This would bring the total of new U.S. Customs and Border Protection officers in this bill to 1,000.

In my State of Texas, the Customs and Border Protection officers are assigned in the Houston region are responsible for the seaports along the Texas coast from Port Arthur to the Port of Corpus Christi. Some of these officers are also assigned to Houston's George Bush Intercontinental Airport. The CBP officers work at the Port of Houston in the morning and leave the port in the afternoon to go work at the Houston Intercontinental Airport. Sharing these U.S. Customs and Border Protection officers between port duties and airport duties is unacceptable.

With increased security demands being placed on our Nation's ports and the desire to increase the number of containers inspected as they enter the United States, local port officials have long expressed the need for additional personnel in order to carry out the tasks that are so critical to our Nation's economy. With an unprecedented 11 million containers entering the United States annually, cargo doesn't stop when there isn't a Customs agent there to inspect the incoming shipments. What happens, of course, is that the cargo is not inspected. So I hope we can pass my amendment.

I believe the Port Security Improvement Act of 2006 is a very good bill, and I particularly commend the leaders of the respective Senate committees for working together to bring all of the port security bills that have been introduced in Congress into one comprehensive bill so that we can address this issue.

In the last 5 years, we have significantly strengthened our national defense. I think we saw yesterday that so many things have been done to keep our country safe and secure, because yesterday, of course, was the 5-year anniversary of the attack of 9/11. We have engaged the enemy before they have reached America since 9/11 of 2001. We have improved our homeland security. We have passed the PATRIOT Act to give law enforcement officials the tools they need and the resources necessary to protect our Nation. We must remain vigilant in pursuing terrorists who seek to harm our country. An integral aspect of our national defense and our economy is the security of our ports.

Our Nation has more than 360 federally regulated, thriving ports, any one of which could be a target for our enemies. One terrorist incident at a U.S. port could impact an entire coast, and the financial impact of closing one of these ports could be devastating.

Texas is home to 29 ports, including 4 of the 10 busiest in the Nation. The Port of Houston is one of the most important ports in the world. It ranks first in the United States in foreign waterborne tonnage, second in total tonnage, and is the sixth largest in the world. It is also home to one of the biggest petrochemical complexes in the world. It is also part of our Nation's U.S. Strategic Petroleum Reserve, the world's largest oil stockpile. Due to the volume of hazardous materials, a terrorist attack in the Port of Houston would be an enormous disaster. An attack in the Port of Houston could also disrupt our Nation's energy supply, delivering a blow to our economy at a time when we cannot afford such a disruption.

For years, I have worked with my colleagues on both sides of the aisle for more stringent port security. In the 107th Congress, my colleagues, Senators FEINSTEIN, KYL, SNOWE, and I introduced the Comprehensive Seaport and Container Security Act of 2002. This bill called for container seals and tracking numbers for goods being shipped to the United States. It also called for a plan to increase inspection of merchandise at foreign facilities as well as for a shipment profiling plan to track containers and shipments of merchandise imported into the United States that could be a threat to security.

In the 107th Congress, we passed the Maritime Transportation Security Act. This bipartisan bill was landmark legislation that closed a large hole in our national security. I was an original cosponsor of this bill as well. However, when it passed the Senate, I made the point of saying the legislation only laid the foundation for port security and more needed to be done.

The following year, I introduced the Intermodal Shipping Container Security Act in both the 108th and 109th Congresses. This was comprehensive legislation, and I am pleased that many of the key provisions in that bill, such as the random inspection of containers, the establishment of minimum standards and procedures for securing containers in transit to the United States, and the implementation of an improved container targeting system, have been incorporated into the legislation before us today. I thank Chairman STEVENS and Cochairman INOUYE for working with me in the Commerce Committee on these provisions.

In addition, Senator COLLINS and Senator LIEBERMAN have added so much to make this bill even more powerful and more helpful in our overall goal of securing the ports in our country.

This legislation calls for the Department of Homeland Security to develop and implement a plan for random inspection of containers in addition to any targeted or preshipment inspection. This significant provision would require the Secretary of Homeland Security to develop and implement a plan to conduct random searches of containers in addition to any targeted or preshipment inspection of the containers as required by law. This would allow the U.S. Customs inspectors to do more at the point of embarkation with the random sampling of different cargo that has been inspected.

Another important provision in this legislation is the establishment of minimum standards for securing containers in transit to the United States. The Secretary of Homeland Security is encouraged to promote and establish those minimum standards for the security of containers moving through the entire international supply chain. This is a key element and I am hopeful the Secretary will take this action. We cannot inspect every piece of cargo, or our international commerce as we know it today would come to a grinding halt. However, if we have better technology, such as a seal which is tamper-proof, we will know when the contents of the cargo have been altered.

My amendment would add to the numbers of Customs and Border Protection officers. A thousand new officers, when you have more than 360 federally regulated ports in this country, is not asking a lot.

We must do more. We must do more at the point of embarkation, the point of origin, at the point where ships come into our U.S. waters, and at the ports themselves. We need more inspectors to be authorized in order to do that.

I am asking that my colleagues support my amendment to raise this number to 1,000. We cannot afford, as we are passing this major legislation, not to do it right, not to authorize everything we need and give the Department of Homeland Security the tools they need to do the job of securing our ports.

We have done a lot. We have passed maritime security laws since 2001, since our country was attacked. But this bill adds to the measures that we know are lacking in the system today. We are taking more steps every week, every month, and every year to secure our country.

I thank Chairman STEVENS and Cochairman INOUYE, Chairman COLLINS and Ranking Member LIEBERMAN, Chairman GRASSLEY and Ranking Member BAUCUS for their leadership in this area. I appreciate that they have come together. It is very difficult in this Congress, when more than one committee has jurisdiction over a major part of the Government of this country. In homeland security we find that the Commerce Committee and the Homeland Security Committee do have overlapping jurisdiction.

This bill could have been brought down with in-fighting among the committees, but it has not been brought down because of the leadership of the committees on a bipartisan basis. I appreciate what we are doing today. I urge my colleagues to support my amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. COLEMAN). Is there a sufficient second?

At this time there is not a sufficient second.

Ms. COLLINS. Mr. President, while we are awaiting representation on the other side of the aisle in order to get the yeas and the nays, let me respond to the Senator from Texas about her amendment.

First, let me acknowledge the work of the Senator from Texas on port security issues over the past few years. Her amendment would increase the minimum hiring of Customs and Border Protection officers in the resource allocation model of the legislation before us from 725 to 1,000. As the Presiding Officer is aware, our bill requires the Department to do a resource allocation model, really take a hard look at how many CBP officers are needed at which port.

One reason we believed that was necessary was the experience of Houston's ports and airports. The Senator from Texas has told me of the problems that Houston has experienced, where CBP agents actually are being transferred from the port to the airport to deal with incoming flights and then are sent back to the port. Clearly that is a situation that cries out for more agents so they do not have to be constantly shifting back and forth from a busy port to a busy airport.

I think the Senator is correct that she has a real problem with understaffing in the Houston seaport and airport and that we do need to have more agents allocated. But I also want to point out to my colleagues that we do specifically require the Department to do this resource allocation plan. There may be some seaports or airports that actually have more staff than they need. Those could be allocated to busier seaports and airports. But clearly the situation in Houston cries out for more agents so we do not have this constant choice of where they should be.

I do support the amendment of the Senator. I will assist her in gaining the yeas and nays when we have representation from the Democratic side. I hope that will be shortly.

I also suggest that we stack the vote on the amendment of the Senator at 5 o'clock, after the vote on the Lautenberg amendment, in order to make it more convenient for our colleagues.

Once we get the yeas and nays, I will be making a unanimous consent request that the vote occur immediately after the vote on the amendment offered by the Senator from New Jersey, with 4 minutes of debate equally divided prior to the vote. But I am withholding that unanimous consent request until we have representation from the minority on the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, while we are waiting, I would like to respond to the Senator from Maine and thank her. She and I have had a conversation about the situation at the Port of Houston. It is particularly dire, in that it is such a busy port and one that has so many unique features. I think the fact that she is supporting the amendment will go a long way toward getting us to the point we need to be.

I think her point is very well taken that giving the Secretary of Homeland Security the capability to reallocate personnel within this mandate that we are giving is also the right thing to do, just as we should be allocating our resources for homeland security based on terror threats, based on needs, not based on politics or anything else. We need to secure our homeland, and we need to do it in a professional way. I think this bill goes a long way in a very bipartisan spirit toward giving our Department of Homeland Security the tools it needs to do the job. I am very hopeful we will be able to agree to my amendment and go forward to conference and send this bill to the President very shortly.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I think we are now ready to order the yeas and nays.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays on my amendment No. 4931.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Ms. COLLINS. We are still not ready for the timing on that, but we have ordered the yeas and nays, and I hope we will be able to stack the vote to occur immediately after the conclusion of the vote on the amendment of the Senator from New Jersey.

Mrs. HUTCHISON. 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. FEINSTEIN. I ask unanimous consent the order for the quorum call be rescinded.

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

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, before I make my statement, which will be on the Reid amendment, I would like to congratulate Senator COLLINS, Senator INOUYE, Senator MURRAY, and all of the Members who worked in committee on this bill. Although one doesn't often tell tales of what happened in a Democratic caucus, I would like to quote Senator MURRAY in that caucus. She said, ''This bill will make a difference.''

I think that is a very dispositive, definitive, and positive statement. So I would like to offer my congratulations to the chairman of the committee and all who worked on it and thank them very much.

AMENDMENT NO. 4936

Mr. President, I would like to speak about this very long Reid amendment which has been offered to be part of this bill. The amendment, much like the Real Security Act introduced last week, is a comprehensive package of ways to strengthen our national security through improved intelligence, military, diplomatic, and homeland security tools. But in particular I would like, as a member of both the Judiciary Committee and the Intelligence Committee, to address the issue of electronic surveillance to identify and prevent terrorist attacks.

All Democrats support giving the President the tools he needs to find the terrorists before they have a chance to strike us again. This cannot be said too many times in too many ways. It is a fact, and I have never heard anything to the contrary.

We also agree, though, that these intelligence tools, especially electronic surveillance of telephone content—the content of a phone call or wiretapping of a phone call—can and should be done in a way that protects constitutional and privacy rights of all Americans, because whatever is done here will go on for decades and because whatever is done here will likely impact tens of thousands of persons in the United States.

I am pleased that the minority leader has endorsed these concepts, as they are the key pillars of legislation that Senator SPECTER and I have introduced. That is the Foreign Intelligence Surveillance Improvement and Enhancement Act. I thank the minority leader for ''Rule 14'ing'' my bill, which now appears as the Feinstein-Specter bill as hotlined, S. 3877.

Tomorrow in Judiciary we will be marking up FISA bills. This same bill but under a different bill number, namely S. 3001, will be subject to markup along with the other bills. Senator SPECTER's Administration bill, Senator DEWINE's bill, and a bill by Senator SCHUMER will be marked up tomorrow morning and Thursday morning.

My legislation, which is pretty simple and pretty limited, is aimed at providing our intelligence agencies with more authority, more resources, and more flexibility to conduct electronic surveillance. In doing so, the legislation reaffirms that the Foreign Intelligence Surveillance Act of 1978, or FISA, is the exclusive means for conducting electronic surveillance to collect foreign intelligence in the United States. I believe this is very important.

We have had hearings in Judiciary. The Attorney General has testified. The head of the NSA program has testified. It is pretty clear to me that this terrorist surveillance program can be fit into the confines of the Foreign Intelligence Surveillance Act passed in 1978. What has to be done is a streamlining of the process leading up to it and some revised provisions for emergency hot pursuit. So what I have tried to do is take what the Attorney General has said to the committee were obstructions to using FISA and solve those obstructions but keep FISA because it is so important.

The legislation that I have introduced would recognize that further changes are needed in this shadowy world of asymmetric terror. That is why the legislation would give the executive branch the authority to listen in to conversations between terrorists and their conspirators inside and outside the United States.

At the same time, we preserve the cornerstone of FISA, and that is that it is by warrant, that a Federal judge reviews and approves every individual warrant request for content to ensure the Government is not spying on innocent Americans.

I think it is useful to remind ourselves why this body wrote and enacted FISA in the first place. In 1976 a committee headed by Frank Church, which became known as the Church committee, provided a report to the Select Committee to Study Government Operations with Respect to Intelligence Activities.

There are three books just like this, on what went on in our Nation prior to 1976. It is startling. I will get to it in a moment. But it was the genesis for the 1978, very carefully considered Foreign Intelligence Surveillance Act.

This committee reported—and please read it, Members—on a series of excesses and abuses that had taken place in the intelligence community. These included some of the worst civil rights violations our Government has ever committed, such as the secret campaign to smear Dr. Martin Luther King, Jr., and domestic targeting of Americans peacefully advocating civil disobedience in areas such as civil rights and opposition to the Vietnam war.

The Church committee found these abuses stemmed from a lack of oversight and checks on Government power. Watch lists were established on people whose views ranged from Joan Baez on the left to members of the John Birch Society on the right.

The Church committee's report led not only to FISA but also to the establishment of the Permanent Intelligence Committees in both Houses of the Congress. It was a historic report.

So discussions today that the President has the authority to go around FISA and doesn't need court approval should cause Members of this great body serious concern. It was a surprise to almost every Senator to learn last December that the President had authorized the National Security Administration to electronically surveil U.S. persons without following the law.

As a member of the Intelligence Committee, I have received many briefings on the President's program. There are still some unanswered questions, and the administration has a responsibility to provide Congress with answers. But basically the Senate Intelligence Committee has been briefed on the program in the main.

But from what I have learned to date, I am convinced of two things: First, the work that NSA is doing is important to prevent terrorists from attacking us again—and I support it. Second, the surveillance that is done under the ''terrorist surveillance program'' can be done under FISA's framework with some changes. As a member of the Judiciary Committee, I participated in the hearings, and I thank my chairman, Senator SPECTER, for holding these hearings.

The conclusion I draw from them, and from the briefings, is that fairly modest changes can be made to FISA which would remove the barriers standing in the NSA's way while also restoring the FISA Court oversight that is necessary to protect a citizen's constitutional right.

Let me briefly tell you what we have done.

We have expanded hot pursuit. Currently, the law states that during specified ''emergency'' periods surveillance can proceed without a warrant for 72 hours. At the recommendation of former FISA judges, we have extended the time for hot pursuit to 7 days. So if something happens and the NSA wants to immediately wiretap someone, they can, provided they notify the Attorney General within 24 hours that it is happening, and then go to the FISA Court.

Attorney General Gonzales testified to us that he personally has to approve applications before they go to the FISA Court. That was a problem. So we created additional flexibility to handle the increased caseload by allowing the Attorney General to delegate this authority to two Senate-confirmed officials: the Deputy Attorney General, and the Assistant Attorney General for National Security.

Wartime authority: Currently, FISA provides the President with authority to wiretap without a warrant for 15 days after a declaration of war. That is a good thing, I believe.

Our bill would expand Presidential authority by allowing the President to also order wiretaps without a warrant for 15 days following a congressional authorization to use military force and a terrorist attack on the United States.

Additional resources: The staff and court need additional resources, and Members have expressed concern about a backlog of FISA applications. We would authorize additional judges as necessary, additional OIPR assistant United States attorneys as necessary, and additional NSA and FBI staff as necessary, so that this problem would be taken care of.

Then we clarify ''foreign to foreign.'' It has often been said that in the 28 years since FISA was written changes in technology have made the law outdated. Communications that start and end outside of the United States but may switch through the United States—communications that FISA never attempted to cover—are now regularly put before the FISA Court.

General Alexander expressed his frustration that foreign-to-foreign communications impede the FISA process.

This bill—which again has been ''Rule 14'd''—would explicitly exempt these telephone calls and e-mails from FISA while preserving the existing process for the appropriate handling of communications involving a U.S. party that were inadvertently wiretapped.

We believe these provisions will go a long way. We also would mandate that briefings on electronic surveillance conducted for foreign intelligence purposes be given to the full Intelligence Committee of both the House and the Senate, really to prevent what was happening, which was the beginning of a major wiretapping program where only eight Members of Congress knew very early on about the program, and therefore there was virtually no congressional oversight that was meaningful in any way, shape, or form.

In this bill is a two-page sense of the Senate beginning on page 313 of the Reid amendment and going through pages 314 and 315. Essentially, it states up front that the U.S. Government should have the legal authority to engage in electronic surveillance of any telephone conversation in which one party is reasonably believed to be a member or an agent of a terrorist organization.

It goes on to say that absent emergency or other appropriate circumstances, domestic electronic surveillance should be subject to judicial review in order to protect the privacy of law-abiding citizens or Americans with no ties to terrorism.

I strongly support the Reid amendment. I support the Sense of the Senate. And I look forward to being able to debate the bill which Senator REID has agreed to cosponsor, as well as Senator SPECTER—it is a bipartisan bill—at the appropriate time when bills to change the Foreign Intelligence Surveillance Act are before the body.

I thank the Chair. I yield the floor. Once again, I indicate my very strong support for the bill before the U.S. Senate today.

Thank you, Mr. President.

Ms. COLLINS. Mr. President, I ask unanimous consent that a vote in relation to the Hutchison amendment No. 4931 occur following the vote on the Lautenberg amendment, No. 4940, with no second degrees in order to either amendment prior to the votes, and 2 minutes of debate equally divided between the managers or their designees before each vote, and that this occur at 5 o'clock.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to set aside the pending amendment and call up the Murray amendment No. 4929.

The PRESIDING OFFICER. That is the pending amendment.

Mrs. MURRAY. Mr. President, is my amendment now pending?

The PRESIDING OFFICER. The amendment is already pending.

AMENDMENT NO. 4929

Mrs. MURRAY. Mr. President, I send a modification to the desk.

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

The amendment (No. 4929), as modified, is as follows:

At the appropriate place, insert the following:

SEC. _____. COBRA FEES.

(a) EXTENSION OF FEES.—Subparagraphs (A) and (B)(i) of section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A) and (B)(i)) are amended by striking ''2014'' each place it appears and inserting ''2015''.

Mrs. MURRAY. Mr. President, this is an agreed-upon modification to the amendment I spoke to this morning regarding the funding for port security.

As I said this morning, it makes sure that we have adequate resources to implement the port security bill, and that is essential to its success. We have worked out an agreement with Finance, and that amendment is pending. I hope we can move quickly and agree to it.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise in support of Senator MURRAY's amendment. I commend her for offering it. Each year, U.S. Customs and Border Protection collects more than $24 billion in Customs duties and fees.

The amendment would extend the merchandise processing fee and passenger conveyance fee for an additional year, and our hope is that that money will then be targeted to pay for this bill. This makes sense. In many ways, it is a user fee. It makes a great deal of sense. It will help ensure that there is a dedicated funding source for the security measures.

I point out again that the amendment has been cleared with the Finance Committee. Senator MURRAY has worked hard with Senators GRASSLEY and BAUCUS to find the source of funding. I commend her for her efforts. I fully support the amendment and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4929), as modified, was agreed to.

Ms. COLLINS. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 4936

Mr. REED. Mr. President, I rise today to discuss Senator HARRY REID's amendment, the Real Security Act. This is a comprehensive plan for making our Nation safer and making true progress in the war on terror.

I would argue that despite continued upbeat assessments by the President, there is growing evidence that we need to change course—not cut and run, but change course, regroup, and reassess our progress in Iraq, in the global war on terror, and in the area of homeland security. I believe an evaluation would lead to the realization that changes need to be made and that a step in the right direction would be to implement measures that are included in Senator REID's amendment.

I would like to focus on just a couple of aspects of Senator HARRY REID's proposal, which is entitled the ''Real Security Act,'' those dealing particularly with Afghanistan and Iraq.

Reports indicate that we may be losing ground in Afghanistan, the initial proper focus of the war on terror. Afghanistan was the locale of the Taliban. They were aiding and abetting al-Qaida and bin Laden, and we, by unanimous approval of this Congress and the Senate, gave the President the authority to launch offensive operations there. Those operations were successful. But then, before the entire success was secured, the focus of this administration turned away to a pre-9/11 project: regime change in Iraq.

In the intervening years, we have lost ground in Afghanistan. The Taliban has regrouped and rearmed, and this spring they mounted the toughest resistance since 2001. Suicide attacks, which once were unknown in Afghanistan, have more than doubled this year.

Almost 5 years after the U.S. invasion, only half the money pledged by the international community to rebuild Afghanistan has been delivered and effectively spent. As Afghanistan's Ambassador to the United States has said:

> We will not be able to stabilize the country if we don't build up the domestic security forces and have development in the countryside. Had we invested more in development, we would have less security problems today.

I have traveled to Afghanistan on a number of occasions. One of the problems we have is moving outside of Kabul, the capital, and creating a governmental presence, an Afghani governmental presence, in the countryside. We are trying vigorously to disrupt the production of poppies and opium, but that is hard in a society in which that cash crop is easy to move around, and it is quite lucrative. It is harder to move around other agricultural staples because there are no roads and irrigation is difficult.

If we had, as the Ambassador suggested, focused more resources and attention more promptly on development, we might have a much more benign climate in which to deal with a resurgent Taliban.

Without viable alternatives, there are scores of problems in Afghanistan. Sixty percent of the country is still without electricity, 80 percent is without potable water, and the unemployment rate is 40 percent. These are features which tend to support angry, disappointed young men, particularly, who are easy targets for those fanatics who would try to sway them into attacking security forces of both the Afghani Government and the United States. Without viable alternatives in terms of jobs and economic progress, it is easy to see how some turn to growing poppies, to providing support for this underground economy. According to the United Nations, Afghanistan just produced a record poppy crop, enough for 6,100 tons of opium—one-third more than the world's demand for heroin. These harvests fund the Taliban fighters who fuel the fighting in Afghanistan and terrorists around the world.

Section 301 of Senator HARRY REID's amendment calls for a long-term commitment to Afghanistan, focusing on economic and developmental assistance, along with security assistance. That is the right plan.

I have had the occasion to visit with our commanders in the field, and we asked them about additional forces, and we asked them about additional military hardware. They will say: We could use that, but I can tell you something we know we need right now; that is, economic development to give the people of Afghanistan confidence in their Government and hope for the future. Confidence and hope is one of the best anecdotes to the kind of regime the Taliban is trying to impose again in Afghanistan.

Last night, as he addressed the Nation, President Bush stated:

> The safety of America depends on the outcome of the battle in the streets of Baghdad.

Two weeks ago in Salt Lake City, the President said:

> America has a clear strategy to help the Iraqi people protect their new freedom and build a democracy that can govern itself and sustain itself and defend itself. . . . We will stay the course.

Yesterday, the Government Accounting Office, in testimony before the House Committee on Government Reform, provided a grim assessment of the Iraq security situation. GAO found, in their words:

> Since June 2003, the overall security conditions in Iraq have deteriorated and grown more complex, as evidenced by increased numbers of attacks and Sunni/Shia sectarian strife which has grown since the February 2006 bombing in Samarra. Attacks against

the coalition and its Iraqi partners reached an all-time high during July 2006. The deteriorating conditions threaten the progress of U.S. and international efforts to assist Iraq in the political and economic areas.

A New York Times story yesterday entitled ''Deal on a Constitution for Iraq is Teetering'' details how Shia and Sunnis failed once again over the weekend to reach an agreement on changes to the Constitution which would allow for a truly inclusive government.

Also yesterday, the Washington Post reported that on August 16, COL Pete Devlin, the Marine Corps chief of intelligence in Iraq, filed a classified report about Iraq's Al Anbar Province, which includes the cities of Fallujah and Ramadi. This province borders Saudi Arabia and Syria.

Colonel Devlin has been stationed in Iraq for 7 months and is considered by his fellow officers to be one of the best who is ''careful and straightforward.'' An army officer in Iraq familiar with the report says he considers it accurate. ''It is best characterized as 'realistic,'' he said.

This report, while one of the first negative reports filed by a military officer, echoes several years of pessimistic CIA assessments of the province. The report is classified, so there are no direct quotes; however, those who are familiar with the report state that the assessment is dire. As the Washington Post summarized:

> One Marine officer called it ''very pessimistic.'' Another person familiar with the report said it describes Anbar as beyond repair; a third said it includes that the United States has lost in Anbar.

The document reportedly states that there are no functioning Iraqi Government institutions in Anbar, leaving a vacuum that has been filled by the insurgent group al-Qaida in Iraq, which has become the province's most significant political force.

One Army officer summarized the situation in Anbar province with the following:

> We haven't been defeated militarily, but we have been defeated politically—and that's where wars are won and lost.

I visited Fallujah in March 2005 with General Abizaid. At that time, there was one State Department official there and no representatives from other agencies. That State Department official was tired and overworked. He was doing a remarkable job, both in terms of exposing himself to dangers and working tirelessly to try to give a political mentoring to the Iraqi authorities. He was desperate for assistance. At that time, he said he didn't think there was another big fight in Iraq unless the politics broke down and that it was a big year for politics. Clearly, more civilian assistance was key. My first visit was in 2005. I revisited the province this July. That same State Department official was still there, still doing a remarkable job, and still weathering the dangers and putting in the long hours to try to make a difference. Sixteen months since my last visit, and he was still the only civilian representative in Fallujah. He was even more tired. He said he believes the Marines have accomplished all they can reasonably be expected to accomplish. They are quickly running out of a mission. He felt it was time to see if the Iraqi forces could perform without the Marines, if the Iraqi Government could support their troops in the field and whether sectarian divisions were so acute that they would prevent the Iraqis from forging even minimal political cohesion. In his view, the United States was currently in a holding pattern, delaying the inevitable day when the Iraqis must step forward and, in the meantime, our forces are suffering additional casualties.

These are the views of those on the ground in Fallujah, and they are representative of a larger problem this administration has had since the beginning of the war in Iraq. There was simply no postwar planning. While this administration has been focused exclusively on our military forces in Iraq, the reconstruction of the Iraqi infrastructure and economy has been virtually ignored. Iraqi reconstruction funds have been depleted with only a fraction of needed projects completed. The ability of the United States to aid in ministerial capacity building is hobbled by the lack of U.S. civilian experts in Iraq. In fact, because of the shortage of appropriate civilian advisers, the military is providing personnel on a case-by-case basis to help mentor civilian ministries.

Clearly, the lack of emphasis on reconstruction is having a dire effect on progress in Iraq. Tired of 3 years without adequate security or services, Iraqi professionals are leaving the country. Those who remain do not trust or feel invested in the new Government. Frustration with services and lack of employment opportunities means angry young men join militias instead of supporting their Government. Lieutenant General Chiarelli, Commanding General of the Multi-National Corps of Iraq, told me in July that unless we devote renewed attention and additional resources to the economic reconstruction of Iraq and the development of governmental capacity, the emergence of capable Iraqi forces will not be decisive. We can train an Army, but unless we have the ministries to support that Army, unless we have a police system and a judicial system that can give individual Iraqis a sense of both security and the hope of justice, simply having an Iraqi Army in the field will not be decisive to the ultimate challenge of stabilizing Iraq.

I, and many of my colleagues, have made it clear to the administration that several steps can and should be taken immediately to address this situation.

The administration should secure fulfillment of international pledges to provide economic support to Iraq. We are spending billions and billions of dollars a month. The American people cannot indefinitely spend this kind of effort without support from our international partners. We cannot meet all of the demands for reconstruction. In fact, we should insist, and this Government should be effective, in securing the already pledged funds, so that at least we have another chance—and maybe we can do it right this time—to rebuild the infrastructure of Iraq to a point at least that individual Iraqis feel they will have a minimal amount of electricity, hopefully, more than that; that they will feel secure in terms of access to health care and to those things that give them the sense that their Government can succeed, and they should risk, in some cases, their lives to make that Government succeed. That is not the situation today in Iraq.

The administration should work with Iraqis to create a master list of necessary reconstruction projects with estimated funding and timelines. Funding for such projects should be a priority in the President's budget. We invested a lot of money, and we made a lot of contractors rich by building huge projects. General Chiarelli has been quoted several times talking about a huge water project in Sadr City was a model of engineering. There was only one problem: There was no distribution system, so it became the largest and most expensive water fountain in the world. He took his own resources, as a division commander, took some PVC piping and at least got some water out into the neighborhoods. That is the type of project that will make progress in Iraq.

Time is running out. We have to refocus ourselves on these types of efforts. We should assign these projects to the military, the Army Corps of Engineers, USAID, and private contractors, but we have to make sure that these private contractors are willing to go out and do the work, not simply to bill for the work. We have examples where scores of health clinics were supposedly built, and it has been discovered that those health clinics have not been built, and those that have, the few, are inadequate. In fact, I have seen films, videos of raw sewage in the operating rooms of the supposedly new and improved health clinics.

The administration should work with the Iraqis to establish target efforts to increase employment in order to provide young men an alternative to joining the militia. One of the things that is being done now on a neighborhood-by-neighborhood basis under the leadership of General Chiarelli is, after securing the neighborhood, now we are moving in, searching, taking out the weapons, trying to disrupt the cells of terrorists and others but then putting people to work with simple tasks, such as picking up trash and giving them some money, giving them a sense of hope, and improving the environment in these communities. We have to do more of that: putting people to work.

The administration should provide increased incentives and funding to attract large numbers of volunteers from the Department of State, Agriculture, Justice, and Commerce to serve in Iraq. The President is fond of reminding the American people that we are a country at war. But this is not an administration at war; it is a Department of Defense at war. We are seeing soldiers and marines sent back to Iraq for the third time and some for the fourth time. But where is the mobilization of all of our power, our State Department experts, our agriculture experts, our Justice Department experts? That is the great fight we are facing today in Iraq. The military, through the loss of lives and through the wounded of so many Americans, are buying this Government the time to work with the Iraqi Government to build capacity, to build infrastructure. But we are not using that time because, once again, despite the President's claim that this is a Nation at war, this is not an administration at war. And until we mobilize all of our resources, we are not going to be able, I think successfully, to meet the challenges of stabilizing Iraq.

Last year, the Secretary of State talked about provincial reconstruction teams which would be spread throughout Iraq. So far, we have not fully deployed sufficient numbers of these teams to do the job. It made for a good speech line last fall. It hasn't happened yet, and it is overdue.

Section E of Senator REID's amendment calls for a new direction for Iraq and expresses the sense of Congress that Iraq should work for an inclusive government and disarm the militias, diffusing the sectarian violence. These militias are becoming a critical and dangerous aspect of the situation in Iraq, and unless the Iraqi Government is able to deal with these militias successfully, the Iraqi Government will be compromised and incapable of effectively governing their country.

Today, and for the last 2 days, we have been looking at a situation where the Iraqi Assembly is debating whether they want to regionalize the country—break it up. Shia representatives, led by Hakim and the Badr organization, are pushing for a legislative approach that will essentially provide the southern part of Iraq and the northern part of Iraq with their autonomy, leaving the center autonomous but desperately poor. It is raising the fears of the Sunni community. But the battle is between not just Sunnis and Shias but within the Shias because, on the other side, Moqtada al-Sadr and his militia are urging that the regionalization plan be dropped. This is what is going on in Iraq. It is not international terrorists plotting to attack us from there; it is the sectarian struggle for power of who will run that country, and we are caught in the middle of it.

That is why Senator HARRY REID's proposal is so sensible. It talks about redeploying our forces, reinvesting again and is perhaps the last chance we will get to provide the Government of Iraq with the tools and the mentoring so that they can provide their people with basic services and basic security.

I hope we can rally around and support this amendment because it represents not only a strong policy for America but a smart policy for America. I hope that when Senator REID's proposal comes up for a vote, it is supported. It is one thing to go around the country and make speeches about staying the course, and it is something else to provide the resources, to provide the support, to provide the relief for our military that will give them a chance to succeed and give the Iraqis a chance to succeed. So I urge passage, when it is called for a vote, of the Harry Reid amendment.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, the Senate is now considering a long overdue—a long overdue—authorization bill to address the security of our ports—yes, our ports. I applaud the efforts of Senators LIEBERMAN, STEVENS, INOUYE, MURRAY, COLLINS, and many others for their steadfast commitment to address this vulnerability.

The administration has let the issue of port security languish for far too long—far too long. Oh, yes, the President has made a series of speeches in recent days about the threat to the homeland and the great desire and capabilities that al-Qaida possesses to attack us—yes, to attack us, the United States. Yet when one reviews the President's homeland security budget, gaping holes can be found in funding to address known vulnerabilities. After 9/11, we learned that our first responders could not communicate with one another. How about that. We learned that our first responders could not communicate with one another. How awful that was. The cost was lives, human lives.

It now appears that we have a similar problem in the White House, where the administration's speech writers and its budget writers don't communicate. They operate in alternate worlds—worlds far apart.

In his speech last Friday at Georgetown University, Homeland Security Secretary Chertoff urged Congress to pass this port security legislation. He said that passing the bill:

> Would be not only a fitting tribute to the fifth anniversary of 9/11, but would also be an important set of tools that we can use in achieving the goal that we have set for ourselves over the next couple of years.

Now, this is the very same rhetoric and, if I may say, it is the very same hot air that we have been listening to and we have been hearing for 5 years—5 years. Yes, we have been listening to it for 5 years, the same rhetoric, the same hot air that is used for lifting balloons, lifting balloons into the heavens.

The administration, time and time again, uses tough talk when it comes to homeland security, but, sadly, that tough talk rarely is followed up with real money, cash on the barrelhead.

This month the majority leadership is once again playing a clever rhetorical game with homeland security. The port security bill that is before the Senate authorizes $400 million for port security grants. These grants would provide essential resources to our most vulnerable ports for building fences, deploying cameras and sensors, training security personnel, and for verifying the identity of the thousands of port workers who access our ports every day.

The House-passed bill which authorized the same $400 million level was adopted by a vote of 421 to 2. But, I ask my colleagues, where, oh where is the $400 million? Where is it? Right now, the Senate and House are conferencing the Homeland Security appropriations bill for fiscal year 2007. The Senate-passed version of the bill includes an amendment that I offered with the support of my illustrious, inimitable chairman, JUDD GREGG, which provides an additional $648 million for port security. The amendment would appropriate the full $400 million authorization for port security grants along with critical funds for cargo container inspection equipment, for Coast Guard ships and planes, and for increased cargo inspections at foreign and domestic ports. That is real port security, but—oh, there is that conjunction here—but, regrettably, the House majority has refused to make the $648 million available to the conference. What a sad state of affairs.

Our citizens watching the Senate today are being led to believe that this bill will secure our ports. Here it is:

> H.R. 4954, an Act to Improve Maritime and Cargo Security Through Enhanced Layered Defenses, and for other purposes.

They believe this bill will secure our ports. Here is the bill. It doesn't weigh very much, but it means security for our ports. However, it will be a charade if the port security funds are not appropriated. How about that? Money. What does the Bible say about money? The love of money, what does it say about it?

Did the White House step to the plate? How about it? ''Hey, Mr. President—hello there, down at the White House.'' Did the White House step up to the plate to address security risks at our ports? No. No. One of the hardest words in the English language to say: No.

If the administration were really serious about port security, it would have voiced support for the $400 million in the Senate bill for security grants. Yet there was not one mention of port security in the administration's letter—not one mention. It has been more than 3½ years since the Coast Guard estimated that the security cost at our ports would be $5.4 billion.

Senator COLLINS, bless your heart, to date not a cent of that amount has been funded despite the fact that U.S. seaports handled over 95 percent of U.S. overseas trade.

Last year, the Department of Homeland Security was able to fund only 24 percent of the critical projects requested by the port authorities. These funds are critical, absolutely critical for ports to improve communications, access control systems, and provide waterside security. Where, oh where has the administration been? ''Where, oh where has my little dog gone?'' Where has the administration been?

Of the $816 million the Congress appropriated since 9/11 for port security, only $46 million was requested by the President. Did you get that? Let me say it again. Of the $816 million the Congress appropriated since 9/11 for port security, only $46 million was requested by the President. There is an odd disconnect at the White House when it comes to port security funding.

While I applaud the efforts of my colleagues today for moving this authorization legislation forward, and hopefully to the President's desk, authorizations of funding are not worth a hill of beans unless we provide real money, real dollars to fund them. That funding is in jeopardy. Why? That funding is in jeopardy due to an irresponsible indifference from the White House and objections from the House majority.

I challenge the White House—yes, come on now—I challenge the White House and the majority, not only to talk the talk on port security but also to walk the walk by supporting the funding that will actually make us safer. Our ports are seriously vulnerable to a terrorist attack. Potentially, thousands of American lives are at stake. Think about it. If we are truly determined to tighten security at our ports, we should send the Homeland Security appropriations bill to the President with the $648 million to fund port security.

My amendment includes the funding to address many of the provisions in this bill that are being debated today. In addition to port security grant funding, my amendment includes $40 million to hire 354 additional Customs and Border Protection officers to conduct cargo container inspections at our seaports and $211 million to purchase additional nonintrusive inspecting equipment for U.S. seaport and rail border crossings.

There you have it. Currently, only 5 percent of the 11 million containers entering the United States are physically inspected by opening—take a look at it by opening the containers. Only 5 percent of the 11 million containers entering the United States are physically inspected by opening the containers.

The Coast Guard has only 34 inspectors to review security plans at foreign ports. Of the 144 countries that conduct maritime trade with the United States, the Coast Guard has assessed security at only 59.

I have to say that again. I have a duty to say that again. Of the 144 countries that conduct maritime trade with the United States, the Coast Guard has assessed security at only 59—59 out of 144. At the current rate of inspections, U.S. inspectors will visit countries that trade with the United States only once every 4 years. Does that make you feel safer? Think about that tonight when you are laying your head on the pillow. Think about that.

My amendment includes $23 million to double the presence of inspectors at foreign ports and increase security compliance checks at domestic ports.

Finally, my amendment includes $184 million for Coast Guard deepwater assets that are critical to securing our ports and surrounding waterways. These funds will allow the Coast Guard to address an immediate shortfall in boats and planes needed to patrol our ports and adjacent waterways. The President and Members of Congress may applaud each other and congratulate themselves for protecting lives with this port security authorization bill, but the truth of the matter is that this bill will do little to secure our ports if the President and those same Members of Congress do not provide the money—there you go again—the money to actually scan for dirty bombs, inspect containers, and implement the security systems that are so desperately needed. What on Earth is wrong?

Can we please stop playing these dangerous political games with homeland security and actually come together to protect the precious lives of people?

Unless we provide the funding authorized in this bill, we will be playing fast and loose with the security of our people.

Hear me. Hear me now. I say it again.

Unless we provide the funding authorized in this bill, we will be playing fast and loose with the security of our people.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4937

Mr. DORGAN. Mr. President, I previously offered an amendment to the pending bill. My understanding is it will likely be accepted. I did not have a chance to speak at any length on the amendment. I want to do so now. I recognize we have a vote in about 10 minutes. I will be mindful of that.

The amendment which I offered says that our U.S. trade officials will be prohibited from agreeing to any future trade agreement that would preclude the Congress from blocking the takeover of a U.S. port operation by a foreign company. I offered this amendment in the shadow of this morning's announcement that our monthly trade deficit—get this—was the highest in U.S. history. It was announced this morning—$68 billion in 1 month.

If anyone needs additional information about the failure of our trade strategy and the failure of this so-called ''free trade'' nonsense we have been hearing around here, take a look at this morning's announcement—$68 billion trade deficit in 1 month.

Mr. BYRD. Shame.

Mr. DORGAN. This is not money we owe to ourselves. That is money we owe largely to Japan, and China, and other countries and will be repaid someday with a lower standard of living in this country.

I offer this amendment dealing with trade as a backdrop to this morning's announcement of the highest trade deficit in history, a trade strategy fraught with error—and this is injuring this country.

Let me describe the need for this amendment.

You might recall that earlier this year it was announced that Dubai Ports World was going to begin to manage a number of ports in this country. Dubai Ports World, in February of this year, indicated that they were going to manage ports in America in New York, New Jersey, Baltimore, Philadelphia, New Orleans, Miami, and some others. Dubai Ports World is a company that is operated by the United Arab Emirates.

In February of this year, the Bush administration gave the green light to Dubai Ports World, a company owned by the United Arab Emirates, to manage these American ports. The President said that he felt it was fine for our ports to be managed by a company owned by the United Arab Emirates.

In fact, when a firestorm erupted over this issue, here is what the President said, brushing aside objections from Republicans and Democrats alike. President Bush endorsed the takeover of shipping operations in six major U.S. seaports by a state-owned business in the United Arab Emirates. The President pledged to veto any bill Congress might approve to block the agreement.

Even more than that, the head of Homeland Security, Mr. Michael Chertoff, strangely enough said this: Homeland Security Secretary Michael Chertoff reported yesterday that the proposed takeover of terminal operations at five U.S. ports by Dubai Ports World would give U.S. law enforcement a better handle on security at U.S. terminal operations.

Here is a member of the Cabinet in this country saying that if we turn our port management over to a foreign company, it will actually improve security.

I don't know what he might have had for breakfast that morning, but I am telling you it didn't agree with his thinking process. It is going to improve security to turn the management of American ports over to a company that is owned by the United Arab Emirates? I don't think so.

There was a firestorm of protest. The President said he would veto any legislation that we would provide that

stopped this takeover of management of these American seaports. Despite that, at some point, it was quite clear the Congress was going to say to the President—Republicans and Democrats—we are sorry. It doesn't matter what you threaten with respect to a veto, we will pass legislation that prohibits this.

We believe the security of our seaports is best maintained by not turning the management of our seaports over to a company owned by the United Arab Emirates. Dubai Ports World, at some point, announced that they were going to find another way to do this and sell their interests. My understanding is that has not yet been done. But in any event, the administration backed away.

However, the trade agreements that we are negotiating now include it. Past agreements have included it. I don't intend to interrupt that with this amendment. If I could, I would. But I don't have the votes to do that.

But the trade agreements say this, including the Oman agreement, which I am told will be brought to the floor of the Senate on Thursday of this week. I intend to speak at some length on that agreement. I am opposed to it. But it includes this provision, and other trade agreements have included the same provision. U.S. port operations that we couldn't block Oman from acquiring under the FTA, under our Free Trade Agreement with Oman, we would be prohibited from blocking an agreement that included landside aspects of foreign activities, including operations and maintenance of docks, loading and unloading of vessels, directly to or from land, marine cargo handling, ship cleaning, et cetera. In point of fact, we are negotiating trade agreements that include provisions which say we are not able to block a foreign company owned by a foreign country from coming in and managing our seaports.

That is what we are doing in trade agreements. Most of our trade negotiators have been fundamentally incompetent from the start.

It was Will Rogers who said many decades ago that the United States of America has never lost a war and never won a conference. He surely must have been talking about our trade negotiators. They don't wear uniforms so they do not remember whom they represent. I have often threatened to buy them jerseys so they can look down and see whom they represent—the good old U.S.A.—just like Olympic athletes represent the U.S.A.

We negotiate trade agreements that we are told will strengthen this country, and month after month and year after year we sink deeper into this abyss of red ink, with now a $68 billion trade deficit in the last month alone.

Is it surprising then that the same incompetence that has led to the largest trade deficit in history—the same incompetence that lead to that—led them to do this, to undermine the very debate we had in February of this year about the management of American ports by a United Arab Emirates-controlled company, Dubai Ports World?

Just as an aside, let me describe the incompetence. Let me describe one example. I could give a hundred. Next year, according to a report, we will be getting imports of Chinese cars into this country because the country of China is now beginning a substantial automobile export industry. They have announced they will begin exporting cars from China to the United States next year. So we will be able to see Chinese cars driving up and down the streets of America. Guess what. Our trade negotiators agreed that when Chinese cars come into our country, we will impose a 2.5-percent tariff on Chinese cars that come into the United States.

We also agreed that any U.S. cars we could sell in China, they could impose a 25-percent tariff.

A country with which we had a $200 billion trade deficit, we agreed they could impose a tariff on automobiles 10 times higher than the tariff we would impose.

Is that brain dead? It is where I come from. Is that incompetence? It is incompetence in my hometown.

That doesn't represent our country's interests.

We come back to the point. I could give you a hundred examples similar to that, where soft-headed foreign policy is masquerading as trade policy.

We come back to the newest trade agreements, including Oman, which we will have on the floor of the Senate next Thursday which includes this provision. It is identical to provisions that are included in previous agreements as well.

I say we ought to block this from ever occurring in any future free trade agreement. This provision undermines the entire position that we have taken with respect to deciding that it is not in our country's security interests to have the United Arab Emirates engaged in the management of our seaports.

For that reason, I believe we ought to pass the amendment I am proposing, prohibiting this from happening in the future. I would like to go back, frankly, and undo that which was done in previous trade agreements.

There is a little thing that people outside of this congressional system don't recognize very easily. It is called fast track. Fast track sounds so innocuous—just fast track.

Fast track means Congress has decided to give up its opportunity, which exists in the Constitution, to be engaged in trade activities so that when a trade agreement comes to the Congress, this Congress has no opportunity to review it with the understanding of wanting to amend it.

Fast track means we have put ourselves in the straight jacket and no amendments.

That is why, when a trade agreement comes to the floor of the Senate such as Oman—and there will be others. We are now negotiating nine additional trade agreements with nine additional countries right now. The House of Representatives announced they will take up two additional trade agreements in November. When those agreements come to the floor of the Senate, because the Congress, in its lack of wisdom, decided to put itself in a straight jacket, no one can offer an amendment to strip out this kind of provision of a trade agreement. It surely escapes my line of reasoning why the Congress would want to decide to limit its capability to improve a trade agreement, but it has.

Some will say, notwithstanding what trade agreements say, notwithstanding all the other issues, the President can, for national security reasons, decide to back an agreement such as this. Yes, that is true.

It was this President who said: I agree that we ought to allow the United Arab Emirates and Dubai Ports World to come in and manage seaports. I agree that we should do that. We have already evaluated it. It makes sense.

He is wrong about that, of course. His Secretary of Homeland Security says not only does it make sense, but it will make America safer if we have the management of America's seaports being done by a foreign company through a foreign country.

That is the most absurd thing I ever heard. Yet in this country, in this town, it passed with thoughtful debate. Again, it doesn't meet the test of thoughtful debate in my hometown cafe.

I am offering this amendment. My understanding is it will likely be accepted, for which I am very appreciative. I will speak more about the general subject when we have the opportunity to talk about the free trade agreement with the country of Oman. My understanding is it may be this Thursday.

I yield the floor.

Ms. COLLINS. Mr. President, the amendment offered by Senator DORGAN is a restriction on the U.S. Special Trade Representative's authority in negotiations. As such, it is under the jurisdiction of the Senate Finance Committee. However, it is my understanding that the chairman and the ranking member of the Finance Committee have no objection to acceptance of the amendment.

I urge acceptance of the amendment.

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

The amendment (No. 4957) was agreed to.

Mr. DORGAN. 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.

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

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

AMENDMENT NO. 4940

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the Lautenberg amendment.

Who yields time?

The Senator from Maine.

Ms. COLLINS. Mr. President, based on the debate that occurred earlier, I believe the distinguished chairman of the Commerce Committee has decided to accept this amendment and was willing to do it without a rollcall vote. However, the distinguished Senator from New Jersey wants a rollcall vote, so we are going to have a rollcall vote.

I do not know whether the Senator from New Jersey is on his way. I see that he is in the Chamber, so I yield the floor to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President as we are now prepared to consider the amendment, in the minute I have—which I assume is the time—I would like to tell everybody that the purpose of this amendment is to ask that we take the cap off the number of TSA screeners we can hire. The cap is 45,000. We have had it in legislation before, but the House insisted on the cap being continued. It is silly, when passenger volume on airlines, as of this point in the year is almost at the alltime high, and it is expected this year we will see the largest number of airline passengers in the history of the country.

We have these constant reviews to protect ourselves from terrorist attack from those who want to sabotage an airplane. So it is simple. Just remove that cap. Remove it and let the TSA figure out what to do with it.

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

All time has expired.

The question is on agreeing to the Lautenberg amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—85

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

NAYS—12

Burr	Ensign	Sununu
Coburn	Enzi	Thomas
Craig	Gregg	Thune
Crapo	Lott	Voinovich

NOT VOTING—3

Akaka	Chafee	Mikulski

The amendment (No. 4940) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4931

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate equally divided on Hutchison amendment No. 4931.

Who yields time? The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to add Senators KYL and DEWINE as cosponsors of the amendment.

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

Mrs. HUTCHISON. Mr. President, I urge my colleagues to support this amendment. It increases the number of Customs and Border Protection officers by 275 for a total of 1,000.

In my home State of Texas, where the Port of Houston is the sixth largest port in the world, we have officers who have to leave the port at noon and go out to the airport. Because of this, we don't have enough officers to cover our ports.

This amendment will add just 275 officers for a total of 1,000 new officers.

I think this is an amendment that is very important to add for the overall security of our ports. I urge everyone to vote for it.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mrs. MURRAY. Mr. President, I yield back the time on the Democratic side.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—97

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

NOT VOTING—3

Akaka	Chafee	Mikulski

The amendment (No. 4931) was agreed to.

Ms. COLLINS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate resumes action on the bill on Wednesday, the time until 12:15 be equally divided in the usual form and that at 12:15 the Senate proceed to a vote in relation to the Reid amendment No. 4936, with no second degrees in order prior to the vote.

Before the Chair rules, we anticipate a budget point of order against this amendment, and therefore this vote is likely to be on the motion to waive.

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

Ms. COLLINS. Therefore, Mr. President, although we are going to consider two more amendments tonight, there will be no more rollcall votes tonight.

AMENDMENT NO. 4935

Mr. CHAMBLISS. Mr. President, I rise today to urge my colleagues to support the amendment proposed by the Senator from Colorado, Mr. SALAZAR. My colleague from Georgia, Senator ISAKSON, and I are cosponsors and strong supporters of this measure which I believe fulfills a great need in rural America.

The amendment creates a policing institute that would be administered by the Office of the Federal Enforcement Training Center in Glynco, GA.

The creation of this office provides training for those who may not currently have access to it because it sends folks who are going to train our local law enforcement personnel directly into our rural areas. Our local communities have fewer resources and fewer folks on the payroll, so they really can't afford to do without men and women who may be called away for an extended period of time to undergo training.

There is no question—and I hear this whenever I travel around the State—that our local law enforcement in rural areas are called upon day in and day out in providing the nuts and bolts of criminal investigations and law enforcement. In many areas, increased crime and the scourge of methamphetamine drug trafficking have placed severe pressures on rural law enforcement capabilities. If we're going to call upon folks to do more, then we have to provide them with the resources they need to carry out their duties—and as a strong supporter of the criminal justice system this includes giving them access to the vital training they need.

In addition, these dedicated and hard-working professionals are also asked to prepare for different types of threats in our changing security environment. This amendment will greatly assist in their efforts.

I urge my colleagues to support this common sense, bipartisan amendment.

I yield the floor.

Mr. ISAKSON. Mr. President, I rise today as a cosponsor of the Salazar amendment—and I thank Senator COLLINS and Senator MURRAY for agreeing to accept the Salazar amendment—which authorizes a new Rural Policing Institute within the Office of State and Local Training at the Federal Law Enforcement Training Center in Glynco, GA. I am joined on my side by Senator CHAMBLISS and others as cosponsors and very much appreciate the acceptance of this important amendment.

Modeled after existing programs within the office, the rural policing institute would evaluate the needs of local law enforcement located in rural areas, and develop expert training programs designed to assist law enforcement in training regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics.

By having a program whereby we can send instructors to these police departments rather then have them come to FLETC itself, we maximize our training capabilities and ensure that these officers are able to receive on the job training without reducing manpower.

This is a win-win for our law enforcement personnel, FLETC, and the American taxpayer. I urge passage of the amendment.

Mr. INOUYE. Mr. President, the managers on this side unanimously approve this measure and seek its support.

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

Ms. COLLINS. Mr. President, I am unclear whether the Salazar amendment No. 4935 is actually pending.

I do support the amendment offered by the Senator from Colorado, and the managers on this side are also pleased to recommend its acceptance.

Mr. President, I urge the adoption of the Salazar amendment.

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

The amendment (No. 4935) was agreed to.

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

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4956

Mr. SHELBY. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself and Mr. SARBANES, proposes an amendment numbered 4956.

Mr. SHELBY. 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 printed in today's RECORD under ''Text of Amendments.'')

Mr. SHELBY. Mr. President, I rise today to offer the amendment that has just been referenced on behalf of myself and Senator SARBANES to the Port Security Improvement Act of 2006. This amendment is virtually identical to the Public Transportation Terrorism Prevention Act that the Banking Committee unanimously reported in November of 2005. In fact, the Senate passed an almost identical bill in the 108th Congress. I am hopeful that as we consider port security today, we can include this critically important legislation designed to help address the security vulnerabilities of our Nation's public transportation system.

The national dialog has appropriately been focused on aviation post-9/11, and this week port security is at the top of this agenda here in the Senate. In addition to these key areas, I believe it is imperative that we make transit security a priority, too. We know full well from the occurrences in Great Britain, India, and Spain that our buses, our subways, and rail systems across the country are attractive targets for terrorist attacks. The Public Transportation Terrorism Act before us now is an appropriate first step to address widespread needs, and it paves the way toward making transit safer for the traveling public.

The language in this amendment was carefully crafted and is a result of several hearings on this topic, review of two comprehensive studies by the American Public Transportation Association and the Government Accountability Office, and negotiations with key industry leaders. This amendment authorizes $3.5 billion in capital investment grants, operation security assistance, and research. While this is short of the $6 billion worth of needs identified by the industry, it is an important and necessary first step.

I thank those who have worked hard over the course of several years to produce a sound piece of legislation that will result in safer public transportation systems, particularly my colleague on the Banking Committee and former chairman, Senator SARBANES, as well as the chairman and ranking member of the Subcommittee on Housing and Transportation, Senators ALLARD and JACK REED. I also thank Chairman STEVENS and Senator INOUYE with the Commerce Committee for their steadfast support in this effort. In addition, I thank Chairman COLLINS and Senator LIEBERMAN with the Homeland Security Committee.

I ask unanimous consent that Senators ALLARD, BENNETT, SCHUMER, and BOXER be added as cosponsors of this amendment.

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

Mr. SHELBY. Mr. President, at the proper time I will urge adoption of the amendment, but I think Senator SARBANES wishes to speak.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise in very strong support of the amendment offered by the able chairman of the Senate Banking, Housing, and Urban Affairs Committee. While the need for improved security at our Nation's ports is clearly evident, we must not forget the other areas of our Nation's multimodal transportation network. The amendment Chairman SHELBY has offered would provide grants to our Nation's public transportation systems to help protect the millions of riders who use subway trains, commuter rail, and buses every single day.

This amendment is based on legislation that passed the Senate unanimously in the 108th Congress and legislation that has been reported out again by the Banking Committee in the 109th Congress. We must not wait any longer to pass this needed legislation.

If there is any question as to whether transit is at risk, one need only look at recent events. Less than 2 months ago, 7 coordinated bomb blasts devastated commuter trains in Mumbai, India, leaving over 200 dead and 700 injured. Last year, the London subway system was the target of a tragic attack that left 50 people dead, and in 2004, almost 200 people were killed when bombs exploded on commuter trains in Madrid.

Here, this past May, the Department of Homeland Security issued a specific warning to transit systems to remain alert against possible terrorist attacks. The warning said that four people had been arrested in separate incidents involving videotaping of European subway stations and trains or similar activity, which the Department noted

provides ''indications of continued terrorist interest in mass transit systems as targets.''

The threat is clear. In response, both the Federal Transit Administration and the Department of Homeland Security have worked with transit systems to identify steps that can be taken to help prevent and mitigate attacks. In fact, the greatest challenge to securing our Nation's transit systems is not a lack of knowledge of what to do, but rather, a lack of resources with which to do it. In the words of the Government Accountability Office, ''Obtaining sufficient funding is the most significant challenge in making transit systems as safe and secure as possible.''

In an editorial published shortly after the London subway bombings, the Baltimore Sun stated that, ''Since September 11, 2001, the Federal Government has spent $18 billion on aviation security. Transit systems, which carry 16 times more passengers daily, have received about $250 million. That is a ridiculous imbalance.''

I commend Chairman SHELBY and Senator REED of Rhode Island and Senator ALLARD of Colorado. We have all worked together on the Public Transportation Terrorism Prevention Act. As I mentioned, this legislation has now twice come out of the Banking Committee. It authorizes, as the chairman mentioned, $3.5 billion over 3 years in security grants for our Nation's public transportation systems. The money will be available for projects designed to resist and deter terrorist attacks, including surveillance technologies, tunnel protection, chemical, biological, radiological and explosive detection systems, perimeter protection, employee training, and other security improvements.

Let me give one example of a critical need right here with respect to Washington's Metro. Their greatest need is a backup operations control center. This need was identified by the Federal Transit Administration in its initial security assessment and then identified again by the Department of Homeland Security in a subsequent security assessment. This amendment would authorize the funding to make this and other urgently needed security upgrades to transit systems around the country.

We know transit systems are potential targets for terrorist attacks. We know the vital role these systems play in our Nation's economic and security infrastructure. I urge my colleagues to support this amendment, which is designed to address the critical security needs of America's transit systems.

I thank Chairman COLLINS and Senator LIEBERMAN for their acceptance of this amendment, and Senator STEVENS and Senator INOUYE. This is a major step forward.

Mr. President, I would like to add as cosponsors on our side—I didn't pick up all the names Chairman SHELBY read, but I have Senator REED of Rhode Island, Senator MENENDEZ of New Jersey, Senator CLINTON of New York, Senator LIEBERMAN, Senator BOXER, and Senator SCHUMER.

Ms. STABENOW. If the Senator will yield, I ask to add my name as a member of the committee.

Mr. SARBANES. And Senator STABENOW of Michigan.

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

Mr. SHELBY. I urge adoption of the amendment if there is no further debate.

The PRESIDING OFFICER. Is there further debate?

Ms. COLLINS. I commend the Senators for their initiative. The horrific terrorist attacks in London and Madrid demonstrate that terrorists are willing and able to attack transit systems. Our systems in the United States remain vulnerable.

Just today, the Homeland Security Committee held a hearing looking at the next 5 years and what challenges face us. The witness, the deputy commissioner for counterterrorism from New York City, specifically pointed out the vulnerabilities of our transit systems and also the inequities in funding. I believe the statistics he gave us were that there was a ratio of 9:1 in the amount of money that had been spent on aviation security versus other forms of transportation security. So I think there is an imbalance. I believe this is a vulnerability and that this amendment would allow for the authorization of significant transportation security improvements. I am pleased to join my colleagues in support of the amendment.

The PRESIDING OFFICER (Mr. CHAMBLISS). Is there further debate? The Senator from Hawaii.

Mr. INOUYE. Mr. President, the managers on this side are very pleased to support this bipartisan amendment and urge its immediate adoption.

Mr. SHELBY. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment. The amendment (No. 4956) was agreed to.

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

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I commend my chairman and the ranking member of the Banking Committee for all their hard work. This has been a wonderful bipartisan effort, and I am pleased it is included in the underlying bill. I commend the leadership of Senators COLLINS and MURRAY on the underlying bill.

I wish to speak about a piece of security that is so critical for us that I will be offering tomorrow, an amendment to provide our first responders with the interoperable communications equipment they need to effectively respond to emergencies. Whether it is port security, rail security, whether it is our local police and firefighters, we know that having radios that can actually talk to each other, actually work to be able to actually communicate with the Department of Homeland Security or the Department of Defense or be able to speak to our armed services is absolutely critical.

We also know, in fact, right now that the system is not what it should be.

I also want to thank Senators LIEBERMAN, LEVIN, SCHUMER, DURBIN and BOXER for cosponsoring the amendment that will be offered tomorrow.

My amendment would finally give our first responders the resources they needs to be able to quickly communicate and respond to a terrorist attack or other kind of national emergency.

It would provide a dedicated source of funding for our communities by creating a 5-year $5 billion grant program for interoperable communications.

My amendment is based on the interoperability communications program included in the bipartisan Lieberman-Collins bill, S. 1725, which passed out of the Homeland Security and Governmental Affairs Committee with strong bipartisan support. Unfortunately, this has languished on the Senate floor for almost a year. There has to be a sense of urgency about this issue and getting the resources to our local communities so they, in fact, can respond.

My amendment authorizes, as I said, $5 billion in grants. It is slightly more than the $3.3 billion in the Lieberman-Collins bill but certainly very close in terms of our approach.

I think it is important to provide more funding in the early years so that communications can finally address this issue and be able to do what they need to do as quickly as possible.

Yesterday, we observed the 5-year anniversary of the 9/11 attacks. We took time to remember the victims and their families and to recount the events of that horrible day. Many of these victims were our brave firefighters and police officers who gave their lives to save others.

Every day, first responders all across our country, and certainly in my great State of Michigan, put their lives on the line to make our communities safer, a job they do bravely and with honor. Now is time for us in Congress to do our job and finally make sure they have the resources and the equipment they need in coordinated national efforts so they can respond and can communicate in case of a terrorist attack or other national emergencies.

Almost 2 years after the attacks, the 9/11 Commission Report outlined the numerous communications problems first responders had as they tried to save lives. The report details the problems police officers and firefighters in New York faced because they were on different radio systems. Over 50 different public safety organizations from Maryland, Virginia, and DC reported to

the Pentagon that they couldn't talk to each other.

This makes absolutely no sense. People running into buildings, into the World Trade Center, into the Twin Towers, when they should have been running out because they did not know what was happening. The radios did not work.

The 9/11 Commission concluded that ''the inability to communicate was a critical element at the World Trade Center, the Pentagon, and the Somerset County, Pennsylvania, crash site, where multiple agencies and multiple jurisdictions responded.''

They went on to say, ''The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, State, and Federal level remain an important problem.''

The 9/11 Commission published its final report in July of 2004, 2 years ago, that the men and women in the first responder community knew the communications difficulties even before 9/11, 2001. Unfortunately, the Federal Government has not yet made a substantial commitment to solve this problem. It has been 2 years since the 9/11 Commission gave its report.

In fact, 10 commissioners gave Congress a failing grade, an F, for not yet providing adequate radio spectrum for first responders and not addressing the problem where our local communities are stretched too thin and have too many urgent and competing priorities to effectively and completely solve the problem by themselves.

We addressed the issue of the radio spectrum, in part, in the year 2006 budget reconciliation bill, which set a February 17, 2009, handover date and providing $1 billion in funding for interoperable communications for first responders in advance of the handover.

I support these positive steps. But now we have to build on that to provide a guaranteed stream of funding to resolve this overall crisis about radios not being connected, not being able to talk to each other.

The 9/11 Commission is not alone in the assessment of this critical problem. In June of 2004, a U.S. Conference of Mayors survey found that 94 percent of our cities do not have interoperable capability between the police departments, the fire departments, and emergency medical services—unbelievable, 94 percent. And 60 percent of cities do not have interoperable capability with the State emergency operations systems.

This is unacceptable. There needs to be a sense of urgency about changing that, and we have to be a major part of that solution.

The most startling finding was that 80 percent of our cities don't have interoperable communications with the Department of Homeland Security or the Department of Justice.

Imagine if there were a terrorist attack and 80 percent of our cities did not have the capacity for interoperable communications with Homeland Security.

This vulnerability was again exposed over 1 year ago with the Hurricane Katrina disaster, where we know the New Orleans Police Department and three nearby parishes were on different radio systems. First responders were unable to communicate with each other as they attempted to rescue people trapped in New Orleans.

When I visited the gulf, I was very proud of seeing Michigan people there. I remember sitting for lunch outside the New Orleans Convention Center with a young man from the Michigan Coast Guard on one side and a young man from the Michigan National Guard on the other. I asked them: Do you have radios? They said: Of course. I said: Can you talk to each other on the radios? They said: No. How are you rescuing people? How are you communicating when you are out on the beat? Hand signals, was the response.

We can do better in 2006 than hand signals when we have a national emergency or a terrorist attack. How many more disasters need to happen before we fix this problem?

In May of 2006, Michael Chertoff, Secretary of Homeland Security, said: ''The fact of the matter is we cannot effectively manage an incident if we do not, and if we cannot, talk to one another.''

I couldn't agree more.

He went on to concede that it is still the case that too many emergency responders are not able to talk to their counterparts, to their own organizations or to their companion organizations, let alone communicate with agencies in neighboring cities, counties or States during a crisis.

On the fifth anniversary of the September 11 attacks, I believe it is shameful that we have made so little progress on interoperable communications.

It is unacceptable that there is not a sense of urgency about getting this done now—frankly, about having not done it now. We should have gotten it done 4 years ago, 3 years ago, 2 years ago, 1 year ago.

I believe that our constituents would be stunned to learn that the Federal Government has not yet dedicated funding to specifically address this problem.

How many times do we have to hear this is an issue? How many experts, how many bipartisan reports before we do what we need to do urgently and to the maximum extent that we can?

We know that the lack of interoperable communications for America's first responders puts them and our communities in danger. Too many of our police, fire and emergency medical services and transportation officials cannot communicate with each other, and our local departments are not able to link their communications with State and Federal emergency response agencies—way too many.

Our first responders are making do with less and less each year which makes no sense. And they should not have to choose between communicating with each other and critical training and other means.

I think people would be shocked to know that there are fewer police officers on our streets today than on 9/11/2001. In Michigan alone, over 1,500 fewer police officers are on our streets because of cutbacks in law enforcement funding. This makes no sense.

In the 5 years since the 9/11 attacks, one of the too many requests for support that I receive every year from communities is for interoperability communications equipment. Every time I meet with police officers and firefighters and emergency responders and local mayors, others who are leaders in their communities, the issue comes up about the radios, about the lack of ability to communicate. I have done everything I can to help. I have come to this floor many times urgently requesting that we move forward in an aggressive way to address this issue.

I am pleased to be able to put together specific grants to be able to support individual communities, and that is a step in the right direction. But what we need is a comprehensive national approach. We need to make a commitment that we are not going to accept anymore any community in this country not having the ability to talk to each other, the neighboring communities, the folks at the State and the Federal Government. That is intolerable.

This is the fourth time I have stood on the Senate floor and offered an amendment to provide the dedicated stream of funding to address our first responders' interoperable communication problems.

I am very hopeful that now will be the time that we come together right after this fifth anniversary of 9/11 and agree that we are going to turn that F, given by the 9/11 Commission, into an A, by finally coming together and solving this problem so in case of whatever the emergency is in the future, folks will not walk away and say part of the reason we lost lives, part of the reason we couldn't respond was because the radios didn't work. We have the ability to fix that in relationship to this important bill. I hope we do.

I yield the floor.

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

Mrs. MURRAY. Mr. President, will the Senator withhold his request?

The PRESIDING OFFICER. Does the Senator withdraw his suggestion of the absence of a quorum?

Mr. ISAKSON. I withdraw my suggestion of the absence of a quorum.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senator CLINTON as a cosponsor to my amendment No. 4929.

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senator

SCHUMER as a cosponsor to the Dorgan amendment No. 4937.

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

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, we are here on the floor of the Senate this evening talking about the maritime cargo security bill. This is an extremely important piece of legislation. I have been working on this issue since September 11, 5 years ago, when I recognized, as did others, that we have an extreme vulnerability in our port cargo container system when it comes to our Nation's security.

We have been working since that time to put together legislation. I commend Senator COLLINS and her staff, Senator INOUYE, Senator STEVENS, the Finance Committee, and numerous Senators who have worked together to get us to this point.

As I said earlier on the floor of the Senate, this measure is extremely important. For the first time, when this bill is passed and it goes to the President's desk, we will assure that every cargo container coming into this country has a much higher level of security. We also will put in place what is called the GreenLane bill, which will allow an even higher point of security for companies that voluntarily opt to make sure that when their cargo containers are loaded overseas, they are secured, that we know what is in them, we know who is handling them, and we know if they have been diverted. They will be tracked across the ocean, and before they ever come into our ports we will know that they are safe.

Those cargo containers with that higher level of scrutiny will then move off of our ports in a much more efficient and quick manner, leaving behind those containers that will still need to have a higher degree of inspection.

Finally, our bill will make sure we have a way to resume cargo handling quickly and efficiently should a terrible incident ever occur at our ports.

This bill balances the need of making sure our ports and our containers and the people who live and work around those containers, as well as the cargo there, are secured. It balances that with the important economic activity that occurs at ports across our country.

When this bill was brought to the floor of the Senate earlier last week, it lacked one critical component, and that was a dedicated funding stream. As I shared with my colleagues, I was deeply concerned that if we did not fund this bill, we would leave an empty shell and an empty promise to the people of America that we were securing our ports.

That is why today I was very happy the Senate agreed to my amendment to have a funding stream and to put that into this bill to make sure, as it moves forward, we will have the personnel we need to make sure the regime we have put in place actually occurs, that we will have the infrastructure that will be needed to make sure we can assure a secure system of cargo containers this country relies on for its economic activity.

That amendment was adopted, and with that I believe this bill is one we can all be proud of. Within a few days, as we work through the rest of the amendments, I, for one, will finally be able to sleep at night knowing we have made a major move forward.

So there are still amendments to be brought forward to the Senate. I know we are going to work our will through them. But I commend all of our colleagues for stepping up to the plate on this important issue.

Mr. President, I ask unanimous consent to have printed in the RECORD four editorials that talk about the need for funding.

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

(From the Everett Herald, Sept. 10, 2006)

FULLY FUND MURRAY'S BILL ON PORT SECURITY

Five years after terrorists seared feelings of vulnerability deep into the American consciousness, much has been done to improve our security. Airport security has been enhanced by more than $20 billion in federal spending. Locally, first responders are more capable of dealing effectively with a disaster, natural or manmade.

But public safety leaders here and elsewhere worry about a potential terrorism target they believe is still neglected: our seaports. Only a tiny percentage of the approximately 10 million containers that enter our ports are inspected, leaving gaping holes that terrorists could exploit with a radioactive bomb or other weapon. And costs for many of the physical upgrades in port security since Sept. 11, 2001, have been borne by local ports rather than the federal government.

On Thursday, Congress sent a signal that it may be ready to give port security the serious attention it needs. Senators announced an agreement on bipartisan legislation that Sen. Patty Murray (D-Wash.) introduced shortly after the 9/11 attacks and has been pushing ever since. It's expected to get a floor vote this week, then go to a conference committee that will iron out differences with a similar bill already passed by the House.

What's still needed, though, is dedicated funding. Murray's bill calls for $835 million annually for a program that will create higher levels of cargo security, allow cargo to be inspected and tracked from the time it leaves the factory floor overseas, and implement a plan to resume trade quickly after an attack to minimize its impact on the economy. " The bill also calls for $400 million in security grants to local ports.

"I've been very clear with everyone that I can't support another NCLB (No Child Left Behind) bill," Murray said Friday, referring to the federal education bill that educators complain was far heavier on mandates than money. "We have to provide the funding or it will never be fully implemented."

The bill originally sought to use money from tariffs on imported goods, but members of the Finance Committee objected, arguing that if tariffs were lowered, funding would dry up. Murray concedes that point, and said she'll offer an amendment this week that would tap existing customs fees that aren't related to duties.

A fully funded bill will mean a more secure Puget Sound, which has major ports in Seattle and Tacoma and a growing container operation at the Port of Everett. Ship activity in Everett has increased roughly tenfold in the past two years, and as, business continues to grow in Seattle and Tacoma, even more figures to come north.

Five years after terrorists proved their desire to hurt us, our ports remain a huge potential target. Congress mustn't wait any longer to act.

IN OUR VIEW—SECURE PORTS

(By Columbian editorial writers)

Five years after 9/11, Senate should take action on Murray's GreenLane bill, because the horror of 9/11 was orchestrated in the air, the logical immediate concern was in air-travel security. But five years after 9/11 it is frightening to see what little the United States has done to enhance port security.

The intransigence and complacency is especially alarming in Washington state, the nation's most trade-dependent state.

There's good news, though. Thanks largely to U.S. Sen. Patty Murray, D-Washington, Congress is finally paying proper attention to port security. Murray's GreenLane bill coauthored with Sen. Susan Collins, R-Maine has been approved by the House and passed by the Senate Homeland Security Committee. Last Thursday, senators announced agreement on port security legislation, and they are expected to vote on the measure this week.

Even if approval is expedited and it should be this congressional footdragging is inexcusable. We're glad Murray has kept forcing Congress to pay attention. The GreenLane offers five desperately needed components:

It would create tough new standards for inspecting and approving all maritime cargo.

It offers the Greenlane option, a faster and even higher level of security for companies that agree to have their cargo tracked and monitored from the time it leaves a factory overseas until it reaches the United States.

The bill offers a plan for quickly resuming maritime trade after any incident, minimizing the economic impact of terrorism.

Port security grants would allow ports to strengthen their perimeter security.

The Department of Homeland Security would be held more accountable for port security, in part by establishing an Office of Cargo Security Policy.

Locally, Port of Vancouver Executive Director Larry Paulson said Friday that he has been frustrated by the congressional footdragging. But he is confident about his port's security. "It's less of an issue here because the emphasis is on containers, and we handle very few containers," Paulson said. "The greater concern for port security in our state is in Seattle and Tacoma."

In a speech Friday, Murray enlisted a RAND Center for Terrorism and Risk Management Policy report that presented this horrifying scenario: Terrorists put a 10-kiloton nuclear bomb inside a cargo container and detonate it at the Port of Long Beach, Calif. According to the report, up to 60,000 people would be killed instantly, 15,000 more would be injured, 6 million people would flee the area and economic losses would be about $1 trillion.

In Seattle and Tacoma, ports are close to downtowns and Interstate 5. Imagine how enticing that is to an evil mind that wants to kill Americans and cripple our economy.

Murray also pointed to the 2002 closure of several ports on the West Coast. It cost the U.S. economy about $1 billion a day. She said one study estimates that if all U.S. ports were closed for nine days, it would cost the national economy about $58 billion. Of course, the greater concern of port security is preventing deaths and injuries. Five years

even five months is far too long. The Senate should expedite passage and implementation of the GreenLane bill for enhancing port security.

[From the Oregonian, Sept. 12, 2006]

TIME TO LAND TIGHTENED PORT SECURITY

A bill that addresses the vulnerability of U.S. shipping fetches up in the Senate, but still needs to be brought to shore

The most impressive thing about the port security legislation that the Senate begins debating today isn't the bill's boldness or its thoroughness. It's the five years it took the bill to get to this point.

Talk about a slow boat from China.

Five years after what was supposed to be a new reality, after constant warnings about the vulnerability of U.S. ports that inspect only about 6 percent of incoming cargo containers, the bill raises some new barriers against a seagoing Sept. 11. Ports ''were extremely vulnerable,'' says Sen. PATTY MURRAY, D-Wash., who has been pushing the bill, ''on the fact that five years after 9/11 they've failed to address homeland security issues.''

This bill may not entirely address those issues, but at least it finally raises them.

It requires the Department of Homeland Security to set minimum container security regulations, sets up an Office of Cargo Security Policy to coordinate federal and local port policy, and makes some federal money available.

Maybe most usefully, it sets up a ''Green Lane'' program to swiftly move cargoes already inspected at their point of departure. Most containers will still remain uninspected, but sending already-checked containers through will, in MURRAY's phrase, ''reduce the size of the haystack where we're trying to find the needle.''.

Even after last week's: carefully negotiated deal among three Senate committees, the bill faces serious hazards to navigation. The Senate has rejected the House's way of financing the programs, without completely agreeing on its own. Sen. JOHN MCCAIN, R-Ariz., wants to attach to it a major rail security program, an excellent idea by itself that could send port security off the tracks.

In a Congress with minimal accomplishments and a swiftly dwindling number of days to manage any, a bill with real prospects can be a magnet to any idea that any legislator wants to slip across, even if the weight of the additions ends up sinking the bill.

Our strong feelings about getting serious about maritime security may be basic strategic thinking, or may be mostly slack-jawed astonishment at how long this process has taken. It might even be the touchy sensitivity coming from living in a city that not only includes a major port, but is named after it.

There are legitimate points to debate about this bill, and the Senate has two days to debate them.

Let's just hope Congress isn't still debating them next year, which would make it six years after action should have happened.

[From the Washington Post, Sept. 12, 2006]

SAFE PORTS

The brief session of Congress that just convened is distinguished in part for what is absent from its agenda—immigration and lobbying reform, for example. A notable exception, though, is a serious bill that has just. emerged from the Senate Commerce, Finance and Homeland Security committees: the Port Security Improvement Act of 2006.

The bill contains several common-sense proposals It requires the Department of Homeland Security to develop a strategy to rapidly resume trade after an incident at one of the nation's ports, in order to limit economic slowdown. It codifies a number of good programs in law, including the Container Security Initiative, which, if it operates properly, will target suspect cargo for inspection in foreign ports before it gets close to the United States. And it establishes deadlines for Homeland Security to complete critical infrastructure projects—including installing radiation portal monitors in the nation's 22 biggest ports by the end of next year.

Two things distinguish this moderate legislation from the irresponsible rhetoric on port security that has marred debates on the subject for years. First, it does not call for 100 percent of containers arriving at U.S. ports to be individually inspected for all dangerous materials. The ''inspect all containers'' mantra is a red herring that exploits Americans'' fears about what might slip through in order to score political points, ignoring the fact that there are much more cost- and time-effective ways of keeping dangerous cargo out of the country.

To her credit, Sen. Susan Collins (R-Maine), one of the bill's key sponsors, recognizes that the tithe and money it would take to inspect all 11 million containers that come into the country every year would be prohibitive with the technology available today, and she has committed to vote against it if such a provision is added. Instead, the bill calls for a pilot program in which the feasibility of individually inspecting all containers leaving three overseas ports will be gauged, which should test promising next-generation technologies without significantly slowing the pace of trade to the United States.

Second, while providing five years of steady funding for port security projects, the bill does not dedicate money for port security in perpetuity. The initial costs of making essential improvements such as buying radiation detectors, putting up fencing around ports and coordinating inspection procedures with ports overseas will require a fair amount of steady start-up cash. But a half-decade of grants for improving port security ought to be enough. After that, port security should have to compete for federal money with other worthy projects.

With those sensible checks in place, the Senate should pass this bill.

Mrs. MURRAY. Again, I thank the Senate for working with us to put a funding stream in this bill and to make this a real Maritime Cargo Security Act.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise to commend the Senator from Washington State for her dogged pursuit of a funding source for this bill. I agree with her that it is so important we have dedicated funding so the promise of this bill can become the reality.

Mr. President, I ask unanimous consent that I be added as a cosponsor to Senator MURRAY's amendment No. 4929.

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

Ms. COLLINS. Again, I thank the Senator for her efforts. It has been a real pleasure to work with her on this important bill.

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. 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.

Mr. FRIST. Mr. President, we began consideration of the very important port security bill on Thursday of last week, and earlier in the week we addressed the Department of Defense appropriations bill. We generally agreed as a body that we would address the security issues first and foremost over the course of these 3 to 4 weeks, and this is the second step in that process. We made reasonable progress on the bill, but at this point it is not certain when we will finish the bill, and the fact is, we have really a little over 2½ weeks left. We have a lot to do, and therefore we need to keep business moving along.

We have been talking about a filing deadline and an amendment list, but we have been unable to reach agreement on either of those.

CLOTURE MOTION

Mr. FRIST. Mr. President, I will file a cloture motion tonight to ensure that we do get a vote this week. We will continue to consult with the managers on both sides, and if we can reach a reasonable agreement to bring the bill to a finish on Thursday, then I believe we should vitiate this particular vote. But since it is still uncertain and we do have a lot of business to do, at this time I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

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

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

Mr. FRIST. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO ERSKINE RUSSELL

Mr. ISAKSON. Mr. President, in 1 last minute on this day, I want to pause to pay tribute to a great Georgian and a great American, an individual we all lost last Friday morning in Statesboro, GA.

On Friday morning of last week, 80-year-old Erskine Russell, former assistant head coach at the University of Georgia and later head coach at Georgia Southern University, died of a stroke leaving the 7–11 near his home on the way to his beloved Snooky's Restaurant in Statesboro, GA. Erskine Russell was a football coach, but he was far more than a football coach. He changed the lives of countless young men in Georgia and changed the attitude of the people of our State about higher education.

Erskine Russell was a man who led the University of Georgia and its defense in 1980 to the national championship. Then, a few years later, he got the opportunity at a fledgling Georgia college—Georgia Southern—to establish a football team. He went there and went to the local sporting goods store and bought a football. He took a drainage ditch that ran by the field and named it the ''wonderful, beautiful Eagle Creek,'' and slowly but surely he recruited young men to come to Georgia Southern to play football.

Within a few years, Georgia Southern went from just having a program to being a national champion. And he repeated that national championship again. But more importantly, all through his life, Erskine Russell did what only he could do: he led by example, not by lecture, what was right about America, what was right about living by the rules, what was right about playing by the rules, and what was right about moral character.

Two thousand people appeared at Paulson Stadium last Sunday to pay their last respects to Erskine Russell—a man who will be missed not just for a short period of time but for the lifetime of all those whose lives he touched.

In conclusion, talking about the lives he touched, when my son Kevin was in the 11th grade at Walton High School in Marietta, GA, he was tragically injured in an automobile accident. He was a junior football player there. Erk Russell took the time to write him a personal note when it was questionable as to whether he might ever play football again or even walk normally again. It was Erk Russell's inspiration and his caring, his challenging someone to overcome adversity, that led to Kevin's complete recovery and a year later his competition on the football field once again.

That is just one vignette. It is just one cameo in a lifetime of service to young people.

I pay tribute tonight to Erk Russell, to his family, and to all those who knew him, all those who loved him, and to all of us who will always treasure the fact that he was our friend.

TRIBUTE TO MR. MORTON J. HOLBROOK, JR.

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a distinguished Kentuckian, Mr. Morton J. Holbrook, Jr., for his dedicated service to the Commonwealth and his commitment to the practice of law and higher education.

Last month, Mr. Holbrook, a resident of Owensboro, passed away. He was a pre-eminent attorney in Kentucky and will be remembered for the permanent impression he left on Kentucky's legal system. He helped modernize the courts' rules of procedure and was instrumental in pushing for sweeping changes to the State's judicial system.

On August 30, 2006, the Owensboro Messenger-Inquirer published an editorial highlighting Mr. Holbrook's legal brilliance, his contributions to the judicial system, and his duty to public service. I ask unanimous consent that the full editorial be printed in the CONGRESSIONAL RECORD and that the entire Senate join me in paying respect to this beloved Kentuckian.

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

[From the Owensboro Messenger-Inquirer, Aug. 30, 2006]

STATE BETTER PLACE BECAUSE OF HOLBROOK

Because Morton Holbrook Jr.'s accomplishments were so many, his love for his community so strong, his quest for knowledge so persistent and his zest for life so complete, penning a tribute to his life invites inadequacy.

Holbrook, who died Friday at the age of 91, was a Daviess County icon who mixed a legal career as a Harvard-trained lawyer with a lifetime of public service, gaining fame in both arenas. Twice his leadership helped completely change the face of Kentucky's legal system. Closer to home, there might not be an Owensboro Community & Technical College without his point work in the 1980s.

Whenever and wherever Holbrook decided to take a stand, he usually became an irresistible force for progress and change. Slight of build and not tall, Holbrook was nevertheless formidable, thanks to his agile mind, gifted and eloquent speaking ability and compelling personality.

For 56 years Holbrook practiced law and would have been admired for his legal abilities alone. One colleague called him the greatest attorney he ever knew. But Holbrook strayed far beyond private practice, to Kentucky's lasting benefit. In 1948 he was appointed to a state judicial committee that totally revised the state courts' rules of procedure. Two and a half decades later he helped push through an in-toto reform of Kentucky's judicial system, which required changing the state Constitution.

Holbrook's other passion was higher education. He was a member of the Kentucky Council on Higher Education for 10 years. OCTC can trace its origins to his involvement in the early 1980s.

Holbrook received many awards and recognitions through the years. Perhaps the most fitting came on his 90th birthday in September 2004 when Daviess Fiscal Court named the county's judicial center in his honor—the Morton J. Holbrook Jr. Judicial Center.

Morton Holbrook—a delight and truly one of a kind—will be deeply missed.

REMEMBERING SEPTEMBER 11, 2001

Mr. OBAMA. Mr. President, I rise today to remember the horrifying terrorist attacks that took away so many innocent lives 5 years ago.

As a rule, tragedies of the magnitude we saw on 9/11 do not have silver linings. On that day, we were left only with an aching sense of loss, a sadness that seemed endless, and a bitter rage toward those who had brought chaos to our doorstep.

And yet it is undeniable that amidst one of the worst moments in our history, an ordinary goodness emerged in America. You could see it in the rescue workers and firefighters who rushed toward the rubble, in the scores of young people who signed up to serve their country, and in the quiet candlelight vigils held by millions of people for those they had never met and never would.

In our politics, too, there was a brief moment where it seemed as though the crass partisanship of the nineties would give way to a unity of purpose among Republicans and Democrats that would refocus our efforts on attacking the terrorists, not each other. We saw this in the immediate support given to President Bush, in the near unanimous vote to go after the Taliban and al-Qaida in Afghanistan, and in the formation of an independent, bipartisan commission that would tell us how and where to strengthen our homeland security.

Five years after 9/11, the days of that unity are long gone. In the last two elections, the Republican Party has used national security as a political weapon to attack and beat opponents, while the recommendations of the 9/11 Commission float further and further from the front pages. Now, as we approach another election season, the party in power has announced again that it intends to ''run on'' the issue of national security, with some going so far as to say that the terrorists are just waiting for Democrats to take over so that they can attack.

I realize that in this day and age, it is naïve to think that politics would stop at the water's edge. But I refuse to believe that we cannot find the will or the resources to implement a series of recommendations that an independent panel of Democrats and Republicans agree would keep our country safer from terrorist attack.

In a report card delivered last year by the 9/11 Commission, the country's security efforts received mediocre to failing grades—17 Ds and Fs in 41 areas of homeland security.

To this day, our first responders still do not have the communications equipment they need to coordinate a rescue in the event of an attack. We still inspect only 5 percent of the 9,000,000 containers that enter this country every year. We are still spending only 2 percent of what we need to secure our railroads and subways, and not nearly enough on baggage and cargo screening at our airports. We still have only

10,000 border patrol agents to guard 8,000 miles of land borders, and only 1 agent to guard every 3 miles of border with Canada. And we are leaving some of America's most vulnerable targets—including chemical plants with toxic substances that could kill millions—with the most minimal security.

If on the day after 9/11 you had told anyone in America that these gaps in our security would still exist 5 years later, they might have thought you were crazy. And yet since then attempt after attempt to correct these problems—from efforts to fully fund rail, transit, and port security to the legislation I have introduced to protect chemical plants—have been rebuffed by the administration and the Republican-controlled Congress.

This cannot go on. National security cannot be something we only discuss on 9/11 or when terrorists try to blow up planes over the Atlantic or when it suits our political interests on election day. It is an every day challenge, and it will take Americans of every political persuasion to meet it.

Like most Americans, the effect of September 11 felt profoundly personal to me. It wasn't just the magnitude of the destruction that affected me or the memories of the 5 years I had spent in New York, but the intimacy of imagining those ordinary acts which 9/11's victims must have performed in the hours before they were killed, the daily routines that constitute life in our modern world—boarding a plane, grabbing coffee and the morning paper at a newsstand, making small talk on the elevator.

For so long, these acts represented the concrete expression of our belief that if we just exercised, wore seatbelts, and avoided needless risks, our safety was assured, our families protected. Certainly, the prospect of mass violence on American soil seemed remote.

Five years later, we know that world is gone—that we must better understand our fragility and better secure ourselves from those who have the will and the way to do us harm. This means a change in priorities, yes, but it also means a change in our politics—a willingness to put aside the petty, if just for a moment, so that we may rise together to meet one of the greatest challenges of our time. History has shown this will not be easy, but if the ordinary goodness that emerged from that rubble 5 years ago is any indication, I still believe it is imminently possible.

HONORING OUR ARMED FORCES

SERGEANT LONNIE CALVIN ALLEN, JR.

Mr. NELSON of Nebraska. Mr. President, I rise today to honor SGT Lonnie Calvin Allen, Jr. of Bellevue, NE.

Sergeant Allen, 26, graduated from Bellevue East High School, where he was a four-sport athlete, participating in football, track, basketball, and wrestling. After attending Northeastern Junior College in Colorado, Sergeant Allen joined the Army, where he met his wife Birgit while stationed in Germany. ''I was just glad every minute I spent with him because it was the most wonderful time I've had,'' said Mrs. Allen.

Sergeant Allen was dedicated to the Army, choosing to reenlist after his first tour of duty. According to his family, he was expected to wrap up his Iraq tour in July and wanted to enter law enforcement as a career.

While serving with the 2nd Battalion, 22nd Infantry Regiment, 10th Mountain Division in Baghdad, Iraq, Sergeant Allen was killed when an improvised explosive device detonated near his military vehicle on May 18, 2006.

Sergeant Allen is survived by his wife, Birgit, who lives in Bellevue, NE; his parents, Lonnie and Sallie Allen, also of Bellevue; and his brother, Nuru Allen, of St. Louis, MO.

My prayers go out to the family and friends of Sergeant Allen as they face this difficult tragedy. Nebraskans should be proud of the commitment Sergeant Allen showed toward the Army and his country. He is an example for us all.

FIRST LIEUTENANT GARRISON AVERY

Mr. President, today I honor 1LT Garrison Avery of Lincoln, NE.

First Lieutenant Avery, 23, graduated from Lincoln High School before earning his degree from the U.S. Military Academy in West Point, NY. Following his graduation from West Point, he underwent Army Ranger and sapper training, receiving various honors. But according to his father, ''He wasn't interested in the decorations. He was interested in the job.'' Following his service, Lieutenant Avery dreamed of helping war orphans.

While serving with the 101st Airborne Division stationed south of Baghdad, Lieutenant Avery and two fellow soldiers were killed when a roadside bomb exploded on February 1, 2006.

Lieutenant Avery is survived by his wife, Kayla, who lives in Clarksville, TN. He is also survived by his parents, Gary and Susan; siblings, Clinton, Johnathan, and Elizabeth; and numerous other family members, friends, and fellow soldiers.

I offer my sincere condolences and prayers to the family and friends of Lieutenant Avery. His noble service to the United States of America is to be respected and remembered by all. Every American and all Nebraskans should be proud of the service of brave military personnel such as 1LT Garrison Avery.

LANCE CORPORAL KYLE CODNER

Mr. President, today I honor LCpl Kyle Codner, 19, of Shelton, NE.

Lance Corporal Codner joined the military after his graduation from Shelton High School on June 16, 2003, and was deployed to Iraq in mid-February. His deployment was to last 7 months, and the family hoped to see him home safe around mid-September. At the time of his death, Lance Corporal Codner was one among a group of marines traveling in an armored personnel carrier conducting security and stability operations in Anbar province, Iraq.

Lance Corporal Codner was liked by all who knew him; he was involved in his church and in his community, and he was a selfless part of the military who knew the worth of life. Codner's family remembers him saying, ''Freedom isn't free.''

The loss of this outstanding marine is felt by all Nebraskans, but his example will remain as an inspiration for his survivors, a devoted friend, fiancée, son, and grandson, and we extend our thoughts and prayers to them in condolence.

ARMY NATIONAL GUARD SERGEANT GERMAINE L. DEBRO

Mr. President, today I honor Nebraska Army National Guard SGT Germaine L. Debro of Omaha, NE.

Sergeant Debro was a loyal son, brother, friend, and soldier. Selflessly placing his friends and their families before his own life, he volunteered for his last assignment to Iraq so others could stay home with their loved ones. ''He put his friends and loyalty first. He couldn't have lived with himself if one of his friends with kids went over there and died. My brother is a better man than me,'' said Sergeant Debro's brother, Alvin Debro, Jr.

Sergeant Debro was born into the military, as his father, Alvin Debro Sr., served in the Air Force. He first attended Omaha Benson High School; then in 1991, he graduated from high school in Arkansas, where he played football. His military career began on October 14, 1994, when he enlisted in the U.S. Army as an M–1 Abrams tank crewman. Sergeant Debro joined the Nebraska Army National Guard on October 12, 1997, as a tank crewman with Detachment 1, Troop B, 1–167th Cavalry Squadron based in Wahoo, NE. He was reassigned to the Fremont-based Troop B, 1–167th Cavalry Squadron in January 2001.

While serving with the National Guard, Sergeant Debro was mobilized overseas various times, including service in Kuwait in 2001 and in Bosnia-Herzegovina from 2002–2003. He was deployed in support of Operation Iraqi Freedom in March 2005, serving as a scout with Troop B, 1–167th Cavalry Motor Reconnaissance Troop. On Monday, September 4, 2006, Sergeant Debro passed away when an improvised explosive device struck the humvee he was driving while on patrol near Balad, Iraq. Then-SPC Germaine L. Debro was posthumously promoted to Sergeant.

Sacrificing his own life so that others could live, Sergeant Debro was the embodiment of bravery and the finest example of generosity. In addition to his brother Alvin, he is survived by his parents Alvin, Sr. and Priscilla Debro of Omaha; and his brother Maurice Debro. I extend my deepest condolences to Sergeant Debro's family and friends, who played such a tremendous role in

his life. His unfaltering dedication to his country and family will remain a source of hope and inspiration for all Americans. Sergeant Debro was a man of exceptional honor, and we will not forget what he gave for our Nation.

ARMY SPECIALIST JEREMY JONES

Mr. President, today I honor Army SPC Jeremy Jones of Omaha, NE.

Specialist Jones was committed to the Army. Wanting to make a career out of it, he chose to reenlist last April for 6 more years. ''He'd finally found something he really liked to do and that suited him. He was proud of what he was doing,'' said his wife, Jenny.

Last February, Specialist Jones flew back from his tour of duty in Iraq to see his newborn daughter, Mackenzie. Baby Mackenzie, together with her brother, Anthony, will grow up knowing their father is a hero.

Specialist Jones graduated from Millard West High School in 1999, where he participated in football and wrestling. While serving with the Army's 1st Battalion, 67th Armored Regiment of Fort Hood, TX, Specialist Jones, 25, was hit by a roadside bomb on June 27, 2006, in Iskandariyah, Iraq.

Specialist Jones is survived by his wife Jenny, daughter Mackenzie, and son Anthony, 3, all of Omaha; mother, Diane Jones, of Omaha; father, Scott Jones, of Council Bluffs, IA; and sister, Abbi Jones, of Omaha. Our hearts and prayers go out to the Jones family. Specialist Jones was a dedicated soldier, and all Americans admire the dedication he gave to his country.

NAVY AIRMAN JASON J. DOYLE

Mr. President, I rise today to honor Airman Jason J. Doyle of Omaha, NE.

Airman Doyle, 19, graduated from Papillion-La Vista South High School after moving to the area from Sunset, UT with his brother, Brandon, and father, Dale, both of Bellevue, NE. At Papillion-La Vista South, he was a member of the Naval Junior Reserve Officer Training Corps program. After graduating, he joined the Navy in an effort to fulfill his dream of traveling to Japan, a dream which began in elementary school after writing a report on Japan. He was also fascinated with flying. ''You combine a love for the country of Japan, a love of other cultures and a love of airplanes, and the Navy was a perfect fit for him,'' said his father.

Airman Doyle had been serving with the Electronic Attack Squadron 136 off the east coast of Japan since October when he fell from the flight deck of the USS *Kitty Hawk* on July 8, 2006. It was his first assignment.

In addition to his father and brother, Airman Doyle is survived by his mother, Martha Bower, who lives near Sunset, UT; his stepmother, Susie Doyle, of Bellevue; and his three sisters, Shauna, of Utah, and Whitney and Ashley, both of Bellevue.

I offer my sincere condolences to the family and friends of Airman Doyle. His noble service to the United States of America is to be respected and appreciated by all. And while the loss of this remarkable airman is felt by all Nebraskans, his courage to follow his dreams will remain as an inspiration for his survivors.

ARMY NATIONAL GUARD SPECIALIST JOSHUA FORD

Mr. President, today I honor SPC Joshua Ford of Pender, NE.

Specialist Ford, 20, graduated from Pender High School in 2004, where he was active in the FFA and theater. He was also interested in art and utilized his talent by creating a few paintings while serving in Iraq. Teachers knew him as an easygoing, well-liked student with a great sense of humor. Ford joined the Nebraska Army National Guard as a heavy vehicle driver in February 2003, while still attending high school. Friends say he was dedicated to the Guard, even convincing three friends to join with him.

Since October 2005, Specialist Ford had been serving with the Wayne-based Detachment 1, 189th Transportation Company in Iraq. On July 13, 2006, the military truck he was driving in a convoy from Forward Operating Base Delta to Tallil Air Base was struck by an Improvised Explosive Device near Al Numaniyah. Specialist Ford passed away shortly thereafter.

Specialist Ford is survived by his fiancée, Michelle Frohlich; father, Lonnie W. Ford; grandmother, Elle Petersen; sisters, Erin, Jessica, and Shawn; and nephew, William Dyer.

I offer my sincere condolences to the family and friends of Specialist Ford. The loss of this dedicated National Guardsman is felt by all Nebraskans, but his example will remain as an inspiration for all of us.

ARMY NATIONAL GUARD STAFF SERGEANT JEFFREY HANSEN

Mr. President, today I honor SSG Jeffrey Hansen of Cairo, NE.

Staff Sergeant Hansen, 31, was a 1993 graduate of Bertrand Community High School. He earned a bachelor's degree in Athletic Training from the University of Nebraska-Kearney in 1997. Jeffrey joined the Nebraska Army National Guard in January 2000 as a member of Troop A, 1–167th Cavalry in Hastings, NE. During his years as a member of the Nebraska National Guard, Staff Sergeant Hansen exhibited outstanding leadership and rose through the ranks, serving as an assistant squad leader, fire team leader, and squad leader before his current assignment as a fire support sergeant. Prior to his service in Iraq, Hansen served as a peacekeeper in Bosnia with the 1–167th Cavalry from late 2002 until mid-2003.

CPT Jeffrey Searcey, who led Troop A of the 1–167th Cavalry in Ramadi, Iraq, described Staff Sergeant Hansen as a ''guy you respected as a soldier and a man.'' As a civilian, Staff Sergeant Hansen was recognized as an outstanding police officer during his time in the U.S. Department of Veterans Affairs, VA, Police Service. ''Jeff was the strong, silent type. He didn't talk a lot, but when he did, people listened to him,'' said James Arends, a sergeant in the VA Police Service.

Staff Sergeant Hansen passed away on August 27, 2006, at Landstuhl Regional Medical Center in Landstuhl, Germany, from injuries he received when the humvee he was riding in went off a wet and eroded roadside berm and became submerged in an irrigation canal near Camp Anaconda, Iraq.

Staff Sergeant Hansen is survived by his wife Jennifer L. Hansen of Cairo; father Robert Hansen of Bertrand; and brother Jeremy Hansen.

I offer my sincere condolences to Staff Sergeant Hansen's family and friends. He gave his life to save and honor the liberties of America, and his selfless passion to achieve this end will not be forgotten. Staff Sergeant Hansen will be forever remembered as a hero who sacrificed everything for his fellow country men and women.

MARINE CORPORAL MATTHEW C. HENDERSON

Mr. President, today I honor Marine Cpl Matthew C. Henderson of Lincoln, NE.

Corporal Henderson inspired everyone who knew him through his leadership. He enjoyed football, hunting, fishing, and fixing cars with his father, who was his best man at his wedding in May of 2003.

Henderson joined the Marines in September 2000. He had received the Navy and Marine Corps Achievement Medal, the Marine Corps Good Conduct Medal, the National Defense Service Medal and the Sea Service Deployment Ribbon. Corporal Henderson was a combat engineer assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force out of Camp Pendleton, CA. Henderson was one among a group of marines traveling in an armored personnel carrier conducting security and stability operations in Anbar province, Iraq, at the time of his death.

I know I join all Nebraskans in grieving the loss of Corporal Henderson. He will be remembered as the selfless leader that he was; for being a compassionate and loyal husband, son, and brother.

SERGEANT ALLEN D. KOKESH, JR.

Mr. President, today I honor SGT Allen D. Kokesh, Jr. of Yankton, SD.

Sergeant Kokesh, 21, willingly signed up for the National Guard as a junior at Yankton High School and completed his basic training before his graduation in 2003. He believed he and his fellow soldiers were playing an important role in bringing peace and freedom to the people of Iraq.

While serving with the Yankton-based Charlie Battery of the 1st Battallion, 147th Field Artillery Brigade, stationed in Baghdad, Sergeant Kokesh was injured in an explosion from a roadside bomb on December 4, 2005. Sergeant Kokesh passed away February 7, 2006, at Brooke Army Medical Center in San Antonio, TX, as a result of his injuries. He was posthumously promoted from specialist to sergeant.

Sergeant Kokesh is survived by his father and stepmother, Allen Sr. and Kristi Kokesh; mother and stepfather, Becky and Jason Beebee; siblings, Chasity, Katrianna, Tom, and Jaylon; and numerous other family members, friends, and fellow soldiers.

I offer my sincere condolences and prayers to the family and friends of Sergeant Kokesh. His noble service to the United States of America is to be respected and remembered by all. Every American and all Nebraskans should be proud of the service of brave military personnel such as SGT Allen D. Kokesh, Jr.

PRIVATE TIM J. MADISON

Mr. President, today I honor Pvt Tim J. Madison of Bellevue, NE.

Private Madison's children will grow up knowing their father is a hero. A 1997 graduate of Bellevue East High School, Private Madison, 28, joined the Army last October. Private Madison enjoyed the outdoors and shared that experience with his children on numerous occasions.

While serving with E Company, Brigade Support Battalion, 2nd Brigade at Fort Carson, CO, Private Madison was struck by .50-caliber machine gun fire during a live-fire operation at a shooting range. ''He was very proud of his country, and he wanted to defend and make it a better homeland for his own immediate family, his wife, and kids,'' said his mother, Nancy Madison.

Private Madison is survived by his wife Melissa and three children, Hailee, 3, Jonathan, 2, and Michael, 4 months, of Fort Carson, CO; parents, Ken and Nancy Madison of Bellevue, NE; brothers, Ken Jr., Tony, and Rick Madison, all of Bellevue; and sister, Christina Coy of Bellevue.

Our hearts go out to the family and friends of Pvt Tim J. Madison. You are all in America's thoughts and prayers.

ARMY SPECIALIST BENJAMIN SLAVEN

Mr. President, today I honor Army SPC Benjamin Slaven of Plymouth, NE.

Following in his family's footsteps, Specialist Slaven, 22, chose to enlist in the Army Reserve because he wanted to serve his country. ''He was enthusiastic about working on the front line of the war on terror,'' said his father, Bruce Slaven.

Before enlisting, Specialist Slaven earned his high school equivalency diploma and was employed in Beatrice, NE, most recently at the Beatrice State Development Center, where he became known for his compassion. Because of his love for scuba diving, Specialist Slaven was considering a career in underwater welding after the military.

While serving with the Army Reserve's 308th Transportation Company of Lincoln, NE, then Private First Class Slaven was killed when a roadside bomb struck his vehicle on June 9, 2006, in Ad Diwaniyah, Iraq. He was promoted to army specialist posthumously.

Specialist Slaven is survived by his mother, Judy Huenink, of Plymouth; his father, Bruce Slaven, of Beatrice; and his sister, PFC Misti Slaven, currently serving with the Army Reserve.

All Americans admire the dedication Specialist Slaven exhibited as he defined what a true soldier should be. The family and friends of Army SPC Benjamin Slaven are in our thoughts and prayers.

ARMY SERGEANT 1ST CLASS TERRY WALLACE

Mr. President, today I honor Army SFC Terry Wallace of Winnsboro, LA.

Sergeant First Class Wallace graduated from Winnsboro High School, where he met his wife, Shunda Wallace. Wallace joined the Army shortly after graduating from high school. ''It was something he'd always wanted to do. He always wanted to serve his country,'' said Mrs. Wallace.

While serving with the 42nd Field Artillery based at Fort Hood, TX, Sergeant First Class Wallace was killed when a roadside bomb hit his humvee in Taji, Iraq, on June 27, 2006. He had served several assignments abroad, including locations in the Middle East, but this was his first tour of duty in Iraq.

In addition to his wife, Sergeant First Class Wallace is survived by his 2-year-old daughter, Raven; his parents, James Jr. and Marry Wallace, of Winnsboro, LA; his twin brother, Jerry Wallace, and several other brothers and sisters, also of Winnsboro.

I know I join all Nebraskans in grieving the loss of Sergeant First Class Wallace. He will be remembered for the selfless hero he was and for being a devoted and compassionate husband, son, and brother. Sergeant First Class Wallace's family and friends remain in our thoughts and prayers.

LANCE CORPORAL BRENT ZOUCHA

Mr. President, today I honor LCpl Brent Zoucha of Clarks, NE.

Being a dedicated athlete at High Plains Community School, Zoucha had already attained much of what he needed to be a good marine: commitment. Knowing he wanted to serve, Zoucha, 19, enlisted in the Marines while still in high school.

Serving with the 1st Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, in Twentynine Palms, CA, Corporal Zoucha passed away on June 9, 2006, due to injuries sustained in an explosion while conducting combat operations in Al Anbar, Iraq. ''He died doing what he wanted to do: fighting for his country,'' said friend David Beck.

Corporal Zoucha is survived by his mother, Rita Zoucha, of Clarks, NE; his sister, Sherri Krueger, of Duncan, NE; and two brothers, Dominic Zoucha of Clarks, NE, and Corporal Dyrek Zoucha, currently serving in Iraq.

All Americans admire the dedication LCpl Brent Zoucha exhibited as he defined what a true soldier should be. The family and friends of Corporal Zoucha are in our thoughts and prayers.

DEFENSE APPROPRIATIONS

Mr. LIEBERMAN. Mr. President, I rise today to give my support to the 2007 Defense appropriations bill which passed the Senate last week by a unanimous vote of 98 to 0. The bill provides $469.7 billion in discretionary spending authority for the Department of Defense and will supply critical funding to many Connecticut defense companies that provide our Nation's military with the cutting edge technology, weaponry, and equipment it needs.

It includes $2.5 billion for the construction of another *Virginia* class submarine, which will be built at Connecticut's submarine base in New London. It also includes $54 million for submarine research. This funding will support the significant work of our submarine designers and engineers in New London and will enable important cost-cutting improvements to the *Virginia* class. Eight million dollars of that funding is targeted for advanced submarine research, which will allow our designers and engineers in New London to begin the early steps of designing a new class of nuclear attack submarines. In aircraft procurement, the bill contains funding for 12 additional Black Hawk helicopters for a total of 94 aircraft and 12 C–17 transport aircraft, also produced in Connecticut. Finally, I am particularly heartened by the inclusion of funding for several of our smaller defense companies and contractors in Connecticut, which provide our troops with sophisticated technological support. Fuel cell development, sonar technology, clotting agents for troops wounded in battle, mobile military health units, and laser machine tool systems are all products of the high-tech defense industry in Connecticut, and I am proud that I was able to secure funding for this burgeoning sector of my State's economy.

There were several important amendments proposed to the Defense appropriations bill. Senator KENNEDY offered an amendment that would have required the Pentagon to provide information about whether a civil war has developed in Iraq as part of the Defense Department's already mandated quarterly reports. Senator MENENDEZ's proposed amendment prohibited the use of funds for a public relations program designed to monitor news media in the United States and the Middle East to create a database of news stories to promote positive coverage of the Iraq war. Both of these amendments were prevented from being considered explicitly by procedural votes on the Senate floor. If I had voted on those motions, I would have supported both amendments, which would have meant voting against both motions to table. Unfortunately, both amendments were set aside, and my vote would not have changed the procedural outcome in either instance, nor prevented their defeat in a party-line vote.

As I have stated earlier, I will be spending much of my time before the

November election in Connecticut. I believe it is important for me to spend time with people in Connecticut, listening to their ideas and concerns. These next 2 months will provide me with a good opportunity to learn more about their views on how we can move forward to solving our Nation's most pressing problems. That being said, I plan to return to the Senate for votes when my presence is a deciding factor and important committee business in which my participation is crucial. The task of representation is truly a two-way street, and I value those times, such as during campaigns, when citizens and their elected representatives can engage in a democratic dialogue. I am looking forward to continuing to participate in that process and also continuing to represent the people of Connecticut in the U.S. Senate.

HONORING GARY STEVENS

Mr. CRAIG. Mr. President, I rise today to recognize Gary Stevens, an accomplished Hall of Fame jockey and Idaho native.

Gary retired in 2005 from an impressive career in horse racing that includes several victories in each leg of the Triple Crown, as well as multiple titles in the Santa Anita and Breeders' Cup races. Holding claim to honorary awards and international racing cups, Gary's popularity only grew in 2003 when he played the role of George Woolf in the Academy Award nominated movie Seabiscuit.

It is an honor to note that Gary started his career in Idaho. At 16 years old, Gary rode his first thoroughbred winner at Les Bois Park in Boise. Born in Caldwell, Gary's father was a riding trainer and his mother was a rodeo queen. This summer, Idaho Governor Jim Risch named a week in Gary's honor, to spotlight this accomplished jockey's ties to Idaho.

On behalf of thousands of Idahoans who are proud of him and his Idaho roots, I say congratulations to Gary Stevens for a lifetime of outstanding achievements.

LET US LOOK UPON THE OCEAN WITH REVERENCE

Mr. KENNEDY. Mr. President, during the August recess, one of my constituents, Michael Mulroy, of Fairhaven, wrote a very thoughtful article that was printed in the New Bedford Standard-Times on August 15 in its ''Your View'' feature. Mr. Mulroy's article eloquently describes the restorative and wondrous nature of the ocean and questions the wisdom of placing wind farms and other large-scale industrial projects at sea. He urges us to ''look upon the ocean with reverence.''

As someone who is committed to preserving the natural beauty of Massachusetts and its magnificent coastal waters, I was moved by Mr. Mulroy's inspiring article, and I believe many of our colleagues will be inspired by it as well. I ask unanimous consent that it be printed in the RECORD.

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

[From the New Bedford Standard-Times, Aug. 15, 2006]

''YOUR VIEW: LET'S LOOK UPON OCEAN WITH REVERENCE, UNOBSTRUCTED''

(By Michael Mulroy)

After years of reading about and listening to the debate over the proposed wind farm off the coast of Cape Cod, I felt compelled to weigh in on the subject after reading David Kibbe's article in The Standard-Times.

As a child growing up in one of the tenement neighborhoods in New Bedford, I loved it when my parents would take my sister and me to one of the area beaches for the day. Sometimes we would stop to get ice cream afterwards, or maybe have some clam cakes at one of the small clam shacks that dotted the coast. When it was too cold for swimming, we would still go down to the shore and walk the beach looking for shells or whatever treasure the tide may have washed ashore. In the winter, we would simply take a drive along the seashore and enjoy the scenery. One of the greatest joys for me was looking out at the ocean and being able to see unobstructed to the horizon—there were no tenements or telephone poles or wires or factories to spoil the vista. The ocean was to my mind a blank canvas, I was free to paint my imagination across it, and I dreamed of whaling ships and merchants of days long ago.

Later, when I was first married, one of our first apartments was in Fairhaven. I used to ride my daughter around town in a carrier seat on the back of my bicycle. Wherever else we went, we always went down to Fort Phoenix, and out onto the Hurricane Barrier, and looked out upon the ocean. My grandfather was a construction worker who helped build the barrier, and so it made our visits there all the more special.

Life being what it is, we could not afford to buy a home in Fairhaven at the time, and so we moved back to New Bedford. As time went by, I was eventually divorced from my first wife. Saddled with debt, I was forced to file for bankruptcy. Through hard work and determination, I was able to restore my credit and eventually bought a fine tenement on the same street where I grew up. I went to the beach, I took drives by the shore, but I also worked; I worked hard.

I am now remarried and once again live in Fairhaven. We have easy access to the beach, and I ride my bicycle by the shore. Through all the changes in my life, one thing that has never changed is the ocean. I can still gaze out upon the open sea and look unobstructed to the horizon. I am humbled at the awesome power that lies there. The sheer vastness of the sea amazes me, and I cannot help but think of our great Creator every time I look upon it. Surely this is a holy place! I can imagine how the first people to set eyes upon this wonderful site must have felt, and I feel that as I am able to see what they first saw, I can share their experience.

At first I felt guilty for not wanting to see a wind farm off the coast. After all, this would be a great source of energy. Clean, renewable, it might even lessen our dependence on foreign oil, even if it's only a little bit, I would feel patriotic. I felt like one of the NIMBY (not in my backyard) people, but it just didn't feel right. Some people say that the only argument against the project is that some rich folks on Nantucket and Cape Cod don't want to spoil their view. Rep. Bob Koczera calls it ''reasons of aesthetics and really nothing else.'' I've got news for you, Bob, the grandeur of the world's natural wonders are not ''aesthetics!'' Aesthetics are in your living room! That's like calling the Grand Canyon ''just a hole,'' or Mount Everest ''a big hill and really nothing else.''

The ocean is our last wild place on this Earth. We are a throwaway society, and we are too lazy, or too cheap, to bother to clean up the messes we have made on land, and so now we are looking to the sea. Rep. Frank Smizik of Brookline states ''We're relying on dirty power plants'' and urges us to ''get away from that.''

Well, Frank, why not hold the Bush Administration to their responsibility, and stop letting them relax pollution standards for these filthy polluters? Why not force them to clean up their act? I, for one, am sick to death about hearing these corporations whine about the cost! Too bad! Record profits for Big Oil sound familiar? All the while, the public is being gouged at the gas pump!

Why do we have to have this wind farm in the ocean when there are many existing wind farms in areas that are not near the ocean? The answer is simple: It is easier, and cheaper! Cape Wind wants to locate here because they feel this is the best location for them. What is best for an energy corporation is not necessarily what is best for the Earth or for our people. It is time we start to think of ourselves as people of the Earth, and not as people who belong to corporations. It is time we listen to the ancestors of our native peoples. Since time began, they have known that the Earth does not belong to us, we belong to the Earth. We are here as her caretakers. They have been telling us this since the white people first came here. It's time we open our ears, our eyes, and our hearts, and listen.

It is time to use self-restraint and set limits for ourselves. We must take responsibility for our actions, and clean up the mess we have made upon our lands, and not expand our careless ways to the sea. Let us look upon the ocean with reverence, and let us see to the horizon, unobstructed, and let it be our inspiration to take back our Earth from unbridled development. Let us say, ''Stop!'' Enough is enough! We have the technology to develop alternative energy sources without this project. This is not a ''do or die'' issue. Why not explore other options? Cape Wind would have us in fear of not supporting them now. Who says they are the only energy development corporation on the horizon? Rep. Matthew Patrick wants to ''let the process go forward, and if Cape Wind survives based on its merits, it should not be subject to the arbitrary whims of the governor.'' If? If it survives? Well what Matthew, pray tell, will befall us if it doesn't survive? Who will pay to dismantle it? Or would you rather it just stay out there, a rusting hulk, as a monument to our failure, until it finally collapses into the sea? If that happened, what then would be the danger to navigation? What would be the environmental impact then? Has anyone thought about this? And what about the diesel fuel stored there for the generators?

The sea and its creatures are a precious resource. Today, our fishermen are paying the price for the sins of our fathers. Exploitation of fish stocks since pre-Colonial times has left them depleted to the point of disaster. We cannot think that human invasion of this delicate environment will have little or no impact. I cannot help but think that if we allow this wind farm, that they will want to expand in the future, or that others will want to follow. Will we ask our children to pay forever for our sins?

I am not rich, but this is not about being rich. It is about a deep respect and reverence for our earth, and yes, it is about my vista. When I look out upon the ocean, it is, to me, as if I am looking upon the face of God, so I would say to you: Yes, I would be happy to

have a wind farm in my backyard, as long as it stays where it belongs, on land, and not in the middle of one of the most beautiful places on earth, the ocean.

ADDITIONAL STATEMENTS

RAPID CITY WEED AND SEED ORGANIZATION

• Mr. JOHNSON. Mr. President, today I wish to recognize the hard work and amazing results of the Weed and Seed organization of Rapid City, SD.

The Rapid City group will cease operations later this month after nearly a decade of tireless efforts to rehabilitate a significant portion of the residential and business area in the community.

In partnership with organizations that included the Rapid City Police Department, the Center for Restorative Justice, Volunteers of America, the Project Safe Neighborhood/Gunwise Program, and Good Housekeeping, dozens of individuals came together to address neighborhood crime, abuse, housing, and aesthetic issues.

Primarily focused on the East North and East Boulevard neighborhoods, the Rapid City Weed and Seed organization worked with the Rapid City Police Department on a zero-tolerance policy with an aggressive police presence in areas that were beset with crime, homelessness, and urban blight issues.

The group worked with Rapid City leaders to aggressively enforce city codes involving housing. Vacated and rundown homes and businesses were torn down and replaced with new and thriving businesses and new homes. Other businesses, homes, and apartment complexes were expanded and renovated during this timeframe. Efforts to revitalize Roosevelt Park resulted in the construction of a new ice arena and indoor swimming pool, as part of the city's 2012 economic development program. A business association was formed to bring together local business owners to discuss relevant issues of importance. The Weed and Seed organization also developed an adopt-a-creek program with 21 sections of Rapid Creek adopted by local companies, organizations, and families. The first major cleanup of Rapid Creek since the tragic 1972 flood resulted in the collection of 18 tons of trash, including debris from the 1972 flood event.

Four townhall meetings were conducted with local residents, and annual picnics were sponsored to develop a sense of camaraderie and connection between neighbors.

As a result of these efforts, the East North and East Boulevard areas have once again become a source of pride for the community. This sense of pride is now reflected in the residents and businesses located in the area. These results are due in large part to the collective work of the Rapid City Weed and Seed organization and the partnerships that were developed with city officials, law enforcement agencies, and the local businesses.

Funded through a 5-year Weed and Seed grant of $1.025 million, the local organization will cease operations later this month. I wish to recognize the vision and hard-working efforts of the dozens of Rapid City citizens and officials who have provided tireless efforts to rehabilitate and renovate a key part of the community.

I wish to recognize the help of executive director Patricia Pummel and board members Wayne Asscherick, Phyllis Boernke, Dave Bussard, Jim Castleberry, Patrick Clinch, Cynthia Clinch, Linda M. Colhoff, Richard Cooper, Darcy Dennison, Lee Dennison, Ken Edel, Fred Eisenbraun, Lawren Erickson, Dan Island, Adeline Kalmbeck, Jim Kinyon, Craig Kirsch, Eileen Leir, Burt Lang, Carol Lang, State legislator Alice McCoy, Jim McCoy, Dave Morgan, Lou Morgan, Sharon Oney, Kenneth Palmer, Gloria Pluimer, Alys Ratigan, Kerri Severson, Mickey Snook, Roberta Stevens, Betty Strobel, Raymond Summers, Pat Trumble, Holli Vanderbeek, Jerry Walenta, Lieutenant David Walton, Les Wermers, Dexter Wittman, Rapid City mayor Jim Shaw, former mayor Jerry Munson, and Connie Ewing.

Thanks to the efforts of these individuals, other concerned and committed citizens, and officials in Rapid City, the East North and East Boulevard areas of Rapid City have been effectively rehabilitated. The efforts of this organization may serve as a model for other Weed and Seed organizations in the country. Although ceasing operations, the vision and tireless efforts of individuals in the Rapid City Weed and Seed organization will be maintained. I commend the energetic and innovative work of the Rapid City Weed and Seed organization and the individuals involved in their great work over the past several years.•

CENTENNIAL OF THE FOUNDING OF STRATFORD, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I pay tribute to the centennial of the founding of the city of Stratford, SD. A latecomer in inclusion into Brown County, Stratford sprung up rapidly in just weeks.

Stratford was founded 100 years ago on the Minneapolis and St. Louis railways. Stratford was a convenient commuter system to many of its neighboring cities at the time. In just 5 years, Stratford reached its peak population of 600.

Stratford is one of South Dakota's classic small towns. It has been the home of industry and farm-related businesses and has been served by a volunteer fire department since 1911. The Baribeau Honey Company, which processes about a million pounds of honey annually, was established in 1955 and is still a booming business. The post office and BS Bar and Grill are open to this day.

A hundred years after its founding, Stratford continues to be a vital community and a great asset to South Dakota. I am proud to honor the achievements of Stratford on this memorable occasion.•

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3884. A bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

S. 3886. A bill to authorize military commissions to bring terrorists to justice, to strengthen and modernize terrorist surveillance capabilities, 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–8256. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Asian Longhorned Beetle; Addition and Removal of Quarantined Areas in New Jersey'' (Docket No. 05–066–2) received on September 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8257. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pine Shoot Beetle; Additions to Quarantined Areas; Wisconsin'' (Docket No. APHIS–2006–0039) received on September 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8258. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army, case number 04–02; to the Committee on Appropriations.

EC–8259. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Air Force, case number 04–05; to the Committee on Appropriations.

EC–8260. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army, case number 05–01; to the Committee on Appropriations.

EC–8261. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army, case number 04–09; to the Committee on Appropriations.

EC–8262. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''General Guidelines for Systematic Declassification Review of Foreign Government Information; Removal of Part'' (RIN3095–AB51) received on September 8, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8263. A communication from the General Counsel, Peace Corps, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Agency; to the Committee on Foreign Relations.

EC–8264. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad for the Republic of Korea; to the Committee on Foreign Relations.

EC–8265. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the Commission's annual report on the Operation of the United States Trade Agreements program for calendar year 2005; to the Committee on Finance.

EC–8266. A communication from the Chief, Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Confidentiality of Commercial Information'' (RIN1651–AA47) received on September 8, 2006; to the Committee on Finance.

EC–8267. A communication from the Chief of the Regulatory Development Division, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Motor Carrier Transportation; Redesignation of Regulations from the Research and Innovative Technology Administration'' (RIN2126–AA92) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8268. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of an Emergency Relief Docket and Procedures for Handling Petitions for Emergency Waiver Relief From the Federal Regulations'' (RIN2130–AB79) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8269. A communication from the Attorney, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Aluminum Cylinders Manufactured of Aluminum Alloy 6351–T6 Used in SCUBA, SCBA, and Oxygen Services—Revised Requalification and Use Criteria'' (RIN2137–AD78) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8270. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Insurer Reporting Requirements for October 2006'' (RIN2127–AJ88) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8271. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Vehicles Built in Two or More Stages—Standard 201'' (RIN2127–AI93) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8272. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards No. 208 CRS Installation Procedure for LATCH-Equipped Seats'' (RIN2127–AJ59) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8273. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''5th Percentile Dummy Belted Barrier Crash Test Requirements—Standard 208'' (RIN2127–AI98) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8274. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards No. 209 Response to Petitions for Reconsideration on Emergency Locking Retractor Requirements'' (RIN2127–AJ92) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8275. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Event Data Recorders'' (RIN2127–AI72) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8276. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Kalispell, MT'' ((RIN2120–AA66)(Docket No. 05–ANM–15)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8277. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Pinedale, WY'' ((RIN2120–AA66)(Docket No. 05–ANM–17)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8278. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Norton Sound Low Offshore Airspace Area; AK'' ((RIN2120–AA66)(Docket No. 06–AAL–10)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8279. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Fremont, MI'' ((RIN2120–AA66)(Docket No. 06–AGL–01)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8280. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Relocation of Class D Airspace; Elko, NV'' ((RIN2120–AA66)(Docket No. 05–AWP–12)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8281. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class D Airspace; Elko, NV'' ((RIN2120–AA66)(Docket No. 05–AWP–11)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8282. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Re-designation of VOR Federal Airway V–431; AK'' ((RIN2120–AA66)(Docket No. 06–AAL–18)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8283. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' ((RIN2120–AA65)(Docket No. 30509)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8284. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (32)'' ((RIN2120–AA65)(Docket No. 30507)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8285. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a C/A 208 rule entitled ''Airworthiness Directives; Eurocopter France Model AS–365N2, AS–365N3, EC–155B, EC–155B1, SA–365N, N1, and SA–366G1 Helicopters'' ((RIN2120–AA64)(Docket No. 2004–SW–19)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8286. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Construcciones Aeronauticas, S.A. Model C–212–CC Airplanes'' ((RIN2120–AA64)(Docket No. 2003–NM–281)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8287. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Airplanes; Model A310 Airplanes; and Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–044)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8288. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes; and Airbus Model A310–200 and –300 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2001–NM–323)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8289. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Construcciones Aeronauticas, S.A. Model C–212–CC Airplanes'' ((RIN2120–AA64)(Docket No. 2003–NM–283)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8290. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; and Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes'' ((RIN2120–AA64)(Docket No. 2004–NM–133)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8291. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–200, –300, and –400 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2004–NM–260)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8292. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McCauley Propeller Systems Propeller Models B5JFR36C1101/114GCA–0, C5JFR36C1102/L114GCA–0, B5JFR36C1103/114HCA–0, and C5JFR36C1104/L114HCA–0'' ((RIN2120–AA64)(Docket No. 2006–NE–24)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8293. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. MU–2B Series Airplanes'' ((RIN2120–AA64) (Docket No. 2006–CE–04)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8294. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2C10 Airplanes , Model CL–600–2D15 Airplanes, and Model CL–600–2D24 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–213)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8295. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 F4–600R Series Airplanes and Model A300 C4–605R Variant F Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–041)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8296. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 and A330–300 Series Airplanes, and Airbus Model A340–200 and A340–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2002–NM–247)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8297. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200, A330–300, A340–200, and A340–300 Series Airplanes, and Model A340–541 and A340–642 Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–135)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8298. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–160)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8299. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 777–200, –300, and –300ER Series Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–262)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8300. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–07)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8301. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; GROB–WERKE Model G120A Airplanes'' ((RIN2120–AA64)(Docket No. 2004–CE–35)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8302. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International Inc. TPE331 Series Turboprop Engines'' ((RIN2120–AA64)(Docket No. 2006–NE–03)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8303. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Mitsubishi Heavy Industries MU–2B Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–01)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8304. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–9–31, DC–9–32, DC–9–32F, DC–9–33F, DC–9–34, and DC–9–34F Airplanes; and Model DC–9–40 and DC–9–50 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–048)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8305. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International Inc. TPE331 Series Turboprop, and TSE331–3U Model Turboshaft Engines'' ((RIN2120–AA64)(Docket No. 2006–NE–02)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8306. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Camp Ripley, MN: Establishment of Class E Airspace; Camp Ripley, MN'' ((RIN2120–AA66)(Docket No. 05–AGL–08)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8307. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Nicholasville, KY; Correction'' ((RIN2120–AA66)(Docket No. 06–ASO–7)) received on September 8, 2006; to the Committee on Commerce, Science, and Transportation.

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 Ms. STABENOW:

S. 3888. A bill to amend title XVIII of the Social Security Act to sunset the sustainable growth rate formula as of January 1, 2009, in order to expedite Congressional action in establishing a new physician payment system that would appropriately reimburse physicians by keeping pace with increases in medical practice costs and providing stable, positive Medicare updates; to the Committee on Finance.

By Mr. FEINGOLD:

S. 3889. A bill to enhance housing and emergency assistance to victims of Hurricanes Katrina, Rita, and Wilma of 2005, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. DURBIN, Mr. HAGEL, and Mr. NELSON of Nebraska):

S. 3890. A bill to enhance and improve the energy security of the United States, expand economic development, increase agricultural income, and improve environmental quality by reauthorizing and improving the renewable energy systems and energy efficiency improvements program of the Department of Agriculture through fiscal year 2012, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 3891. A bill to extend the time for filing certain claims under the September 11th Victim Compensation Fund of 2001, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON:

S. Res. 566. A resolution expressing the sense of the Senate concerning the importance of preventing child abuse and neglect before they occur and achieving permanency and stability for children who must experience foster care; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. Res. 567. A resolution honoring the Detroit Shock on winning the 2006 Women's National Basketball Association Championship; considered and agreed to.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. Res. 568. A resolution congratulating the Columbus Northern Little League team of Columbus, Georgia, for winning the championship game of the Little League World Series; considered and agreed to.

ADDITIONAL COSPONSORS

S. 311

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 311, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 368

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. DODD) 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. 908

At the request of Mr. MCCONNELL, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BUNNING), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CORNYN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2348

At the request of Mr. OBAMA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2348, a bill to amend the Atomic Energy Act of 1954 to require a licensee to notify the Atomic Energy Commission, and the State and county in which a facility is located, whenever there is an unplanned release of fission products in excess of allowable limits.

S. 2475

At the request of Mr. SALAZAR, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2475, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2599

At the request of Mr. VITTER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2707

At the request of Mr. SUNUNU, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2707, a bill to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

S. 2828

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2828, a bill to provide for educational opportunities for all students in State public school systems, and for other purposes.

S. 3128

At the request of Mr. BURR, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 3128, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 3238

At the request of Mr. CORNYN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Colorado (Mr. SALAZAR) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 3238, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

S. 3500

At the request of Mr. THOMAS, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3500, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 3508

At the request of Mr. SUNUNU, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 3508, a bill to authorize the Moving to Work Charter program to enable public housing agencies to improve the effectiveness of Federal housing assistance, and for other purposes.

S. 3684

At the request of Mr. ALLEN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3684, a bill to study and promote the use of energy efficient computer servers in the United States.

S. 3698

At the request of Mr. JEFFORDS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3698, a bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes.

S. 3707

At the request of Mr. LOTT, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 3707, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 3739

At the request of Mr. COLEMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3739, a bill to establish a Consortium on the Impact of Technology in Aging Health Services.

S. 3744

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3762

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3762, a bill to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers.

S. 3771

At the request of Mr. HATCH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 3791

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3791, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such disease.

S. 3795

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3795, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 3855

At the request of Mr. CONRAD, the names of the Senator from New York (Mrs. CLINTON) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3855, a bill to provide emergency agricultural disaster assistance, and for other purposes.

S. 3884

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 3884, a bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

S. 3887

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3887, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. RES. 485

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 485, a resolution to express the sense of the Senate concerning the value of family planning for American women.

S. RES. 559

At the request of Ms. SNOWE, her name was added as a cosponsor of S. Res. 559, a resolution calling on the President to take immediate steps to help stop the violence in Darfur.

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 559, supra.

AMENDMENT NO. 4921

At the request of Mr. DEMINT, the names of the Senator from Montana (Mr. BURNS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 4921 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. STABENOW:

S. 3888. A bill to amend title XVIII of the Social Security Act to sunset the sustainable growth rate formula as of January 1, 2009, in order to expedite Congressional action in establishing a new physician payment system that would appropriately reimburse physicians by keeping pace with increases in medical practice costs and providing stable, positive Medicare updates; to the Committee on Finance.

Ms. STABENOW. Mr. President, I am pleased to introduce the ''Fix and Improve Reimbursement (FAIR) for Physicians Act of 2006'' today with the support of the Michigan State Medical Society and the Michigan Osteopathic Association.

Over 20,000 M.D.'s and D.O.'s in Michigan provide more than 1.4 million seniors and people with disabilities with high-quality medical services under the Medicare program. Our Michigan families have received fantastic care, from fantastic doctors.

But will they continue to? Not unless we do something about the payment system used to reimburse physicians for Medicare services. Beginning January 1, 2007, the Medicare Sustainable Growth Rate (SGR) formula will cut payments to physicians and health care professionals by 5.1 percent. What does that mean in dollar terms? Medicare payments in Michigan alone will be cut by $137 million in 2007; the average cut for a physician in Michigan would be $34,000 per year.

That doesn't make any sense. Medical costs are going up. How can doctors provide the same high-quality care when costs are going up and their payments are going down?

It makes even less sense when you realize physicians and other health care professionals have been struggling with this payment system for years. The SGR formula resulted in significant payment cuts in 2002, and would have resulted in payment cuts in 2003, 2004, 2005 and 2006 had Congress not intervened.

And it won't stop with the cut in 2007. According to the Medicare Payment Advisory Commission (MedPAC) and the Board of Trustees of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, the Medicare SGR formula will result in substantial payment cuts to physicians and health care professionals through at least 2015.

The cuts are scheduled to total 40 percent by 2015, costing Michigan doctors in excess of $8 billion between 2007 and 2015.

Can doctors absorb these kinds of cuts and continue to serve all Medicare beneficiaries with high-quality care? Absolutely not. The cuts would be particularly devastating for primary care doctors, the very doctors that, according to MedPAC, many Medicare beneficiaries rely on for important health care management. MedPAC states in their March 2006 report that they ''are concerned that such consecutive annual cuts would threaten access to physician care services over time, particularly primary care services.'' They go on to say that ''payment policies that may discourage medical students and residents from becoming primary care physicians raise particular concern''.

A recent survey conducted by the AMA suggests that if the scheduled cuts go into effect, 45 percent of doctors will decrease the number of Medicare patients they accept—and this at a time that the Medicare population is burgeoning! Further, 50 percent of doctors will defer purchase of health information technology, 37 percent of doctors practicing in rural communities will be forced to discontinue rural outreach services, and 43 percent of physicians will decrease the number of new TRICARE patients they suggest.

This is not a new issue. MedPAC considers the Medicare SGR formula a flawed, inequitable mechanism for controlling the volume of services and first recommended repeal of the Medicare SGR formula in 2001. Since then they have consistently recommended repealing the formula.

But what has Congress done? Have we repealed the SGR? No. Instead, each year since 2003 Congress has acted to override the formula temporarily. While these actions have prevented cuts since 2002, nobody can believe this is a good way of going about business. Congress tends to act very late in the year—or AFTER the cuts have actually gone into effect—which results in instability and unpredictability for physicians, health care professionals, seniors and individuals with disabilities.

Further, annual Congressional actions to override SGR don't solve the long-term problem as the formula extracts the added spending in future years by imposing even more drastic cuts.

We know what we need to do. A Medicare physician payment system that will provide stable, positive payment updates is critical to preserve Medicare beneficiaries' access to high-quality care and allow doctors to invest in health information technology and quality improvement programs.

While a new system is being developed, we know we need to adopt MedPAC's recommendation to update payments for physicians' services under the Medicare program by the projected change in input prices less MedPAC's expectation for productivity growth. The ''Preserving Patient Access to Physicians Act of 2005'', which I introduced last year with Senator KYL, would do just that. It would have provided physicians with a 2.7 percent update in 2006 and would provide a 2.8 percent update in 2007.

When I introduced that legislation I said that it was just the beginning. I said that our bill was necessary to provide updates for a couple of years but that we cannot continue to use stopgap measures, and must replace the SGR with a payment system that actually makes sense and reflects the costs of providing physician care to Medicare beneficiaries.

This bill—the ''Fix and Improve Reimbursement (FAIR) for Physicians Act of 2006''—takes the next step. The purpose of the ''FAIR for Physicians Act'' is to sunset the Medicare sustainable growth rate formula in order to expedite Congressional action in establishing a new physician payment system under the Medicare program that would appropriately reimburse physicians by keeping pace with increases in medical practice costs and providing stable, positive Medicare updates.

The ''Fair for Physicians Act'' would repeal the SGR formula as of January 1, 2009. I continue to believe that we must adopt MedPAC's recommendation for updates in 2007 and 2008 to give seniors access to high-quality care while giving Congress time to develop an alternative payment system.

To help Congress with developing the new payment system, the ''Fair for Physicians Act'' establishes a new, 17 member ''Physician Payment Update Commission'', the ''Physician Commission''. The members of the Physician Commission will include members with a wide variety of expertise in the delivery and financing of health care, but—and I believe this is critical—individuals who are physicians and other health professionals shall constitute a

majority of the membership of the Commission.

The new Physician Commission will study all matters relating to payment rates under the Medicare physician fee schedule, and develop recommendations on the establishment of a new system that would appropriately reimburse physicians by keeping pace with increases in medical practice costs.

We need to do this right, but we also need to get it done soon. Our physicians and health care professionals, and our Medicare beneficiaries, have been dealing with an unworkable, unsustainable system for too long.

Therefore, the Physician Commission must report to the appropriate Congressional Committees and MedPAC by December 1, 2007. MedPAC then has a month to review the recommendations of the Physician Commission and submit a report to the appropriate Committees. MedPAC's report must include a review of the recommendations, including the reasons for their support if they support their recommendations and, if they do not support the recommendations, the reasons for that, and their own recommendations.

I know we need to get this done by January 1, 2009 and I know we can get this done by January 1, 2009. My bill would repeal the SGR formula as of that date, and establish a new Commission to develop a new payment system by that time, to ensure that our Nation's 42 million Medicare beneficiaries continue to have access to high quality physician care.

In the meantime, we must provide updates based on MedPAC's recommendations.

The Medicare program is one of the most successful federal programs of all time. It has lifted countless seniors out of poverty, and it has ensured access to necessary, affordable, quality medical care for our most vulnerable citizens for the last 40 years.

We can—and must—fix the physician payment formula to maintain Medicare's record of success in providing access to high-quality Medicare services for all of our seniors and people with disabilities.

By Mr. FEINGOLD:

S. 3889. A bill to enhance housing and emergency assistance to victims of Hurricanes Katrina, Rita, and Wilma of 2005, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, today I am introducing the gulf coast Housing Accessibility Act to address some of the challenges facing survivors of Hurricanes Katrina and Rita a year after the hurricanes struck the gulf coast. Two weeks ago, we commemorated the anniversary of Hurricane Katrina and honored those who lost their lives and those who lost their livelihoods last year. A year later, the people of New Orleans and the gulf coast continue to deal with an unfortunate reality—that in a lot of neighborhoods, it looks like the hurricanes hit a week ago, not a year ago.

Over the past year, I have heard from a number of Wisconsinites upset with the Federal Government's response to Katrina. They have made powerful pleas to not forget about the people who lost their homes, their communities and their way of life.

In July, I visited some neighborhoods in the New Orleans area that were ravaged by Hurricane Katrina. The painful realities about life there were everywhere—abandoned businesses, and homes and neighborhoods that were totally destroyed by the hurricane and its aftermath. The challenge of rebuilding is enormous. But what's even tougher is trying to rebuild in a way that helps everyone come back, not just people with access to more resources and different options. It is the responsibility of all levels of government to help those who want to come back regardless of their income level. We must ensure that the rebuilt gulf coast reflects the same cultural diversity that made it an American gem before the hurricanes struck. This legislation seeks to meet some of that responsibility by providing low income individuals and families with immediate and long term housing assistance as they rebuild their lives and move back to the gulf coast.

There are so many ways that gulf coast communities still need help—creating jobs, rebuilding the school systems, and gutting damaged homes so that they can be rebuilt. And, when you see those blocks and blocks of neighborhoods that were destroyed—with no sign of reconstruction—it's clear just how much help the people of New Orleans and the gulf coast need to find affordable housing.

Housing has to be affordable so that the gulf coast can get back to work. So many of the people who are the lifeblood of the tourism industry—like hotel and restaurant workers—want to call New Orleans home again, but they can't move back if they can't afford any place to live.

It's a testament to the strength of these communities that so many people want to come back, at every income level. You can't do that if you were working a minimum wage job that doesn't exist anymore, and you were renting an apartment that ended up engulfed in flood water.

There are a lot of barriers to moving back for homeowners, but it's also tough for gulf coast citizens who were renting when the hurricane hit. In the year since the hurricane struck, rents in the gulf coast region have skyrocketed, which makes it even more difficult for low income renters to return to their homes. With a significant percentage of renters in the New Orleans area before Katrina, we need to ensure that the housing assistance in the gulf coast is aimed at helping renters, as well as homeowners, rebuild their lives.

We've got to do something to help displaced residents—particularly low-income individuals—who want to move back to New Orleans. I have put together a few different ideas into one bill, building on some really good work on housing issues by some of my colleagues in the Senate. This bill doesn't tackle every problem, but it will help address some of the tough housing issues facing New Orleans and the gulf coast. It includes housing vouchers to help make rents affordable for the lowest income people and families. It also makes housing like the Katrina cottages—which are more like homes, and less like trailers—more available to those who want them. There have been a lot of problems with the FEMA trailers, so it's important to give people the option of living in a more permanent home. And finally it allows HUD to handle temporary rental assistance programs from here on out, instead of FEMA, which isn't equipped to handle housing issues like these for the long haul.

Not only does this legislation address the needs of current Katrina survivors, but the changes it makes to the Stafford Act to allow FEMA to provide permanent and semi-permanent housing, as well as allowing HUD to provide temporary housing assistance instead of FEMA, apply to future disasters also. The importance of this cannot be stressed enough—we in government must learn from our past mistakes and work to prevent such a horrible government response to future disasters.

A year after Hurricane Katrina and Hurricane Rita, there is so much that we can still do—and that Congress can do—to help the gulf coast recover. We need to have serious conversations about the persistent poverty that still exists in the gulf coast and around our nation, for this poverty magnified the disaster of Hurricane Katrina. We need to develop solutions to address this poverty that exists in cities and rural communities throughout our country. We need to work to ensure the levees are built correctly. We need to better protect the diminishing wetlands of the gulf coast. But we also have to focus on the here and now—what people are facing on the gulf coast today. As we look at the images of the hurricanes a year later, and we remember what people went through, we also have to recognize how far we have to go, and rededicate ourselves to helping the people of the gulf coast make it home again.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 3889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gulf Coast Housing Accessibility Act of 2006''.

SEC. 2. PROJECT-BASED VOUCHERS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development (in this Act referred to as the ''Secretary'') shall allocate additional assistance for project-based housing vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) for individuals and households located within the area in which assistance to individuals has been authorized by the President under a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as a consequence of Hurricane Katrina, Rita, or Wilma of 2005.

(b) AUTHORIZED USES.—The Secretary shall make funds available under this section for project-based vouchers used to support—

(1) affordable housing in repaired or rebuilt housing that has been damaged or destroyed as a consequence of Hurricane Katrina, Rita, or Wilma of 2005; or

(2) to support affordable housing in new housing structures in the affected areas created under the low income housing tax credit under section 42 or section 1400N(c) of the Internal Revenue Code of 1986.

(c) FUNDS.—

(1) IN GENERAL.—Of amounts authorized under this section, funds shall be made available for 4,500 project-based vouchers for—

(A) support of housing units for persons, including adults and children, with disabilities;

(B) elderly families; and

(C) individuals and families who were homeless prior to the occurrence of the disaster.

(2) DEFINITIONS.—As used in this subsection:

(A) DISABILITY.—The term ''disability'' has the same meaning as in section 422(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11382(2)).

(B) HOMELESS.—The term ''homeless'' has the same meaning as the term ''homeless children and youths'' as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), except that such term shall also include any adult individual who is homeless.

(d) REQUESTS FOR ASSISTANCE.—The Secretary shall award the project-based vouchers authorized under this section to a State agency designated by the Governor of the State, upon submission of a request to the Secretary, in such form and containing such information as the Secretary may require. If a State agency is unable to provide such a request, a local housing agency may submit the request for funds to implement project-based vouchers under this section. If a State agency enters into an agreement with 1 or more local housing agencies to transfer the administration of vouchers after commitment to a particular development, the Secretary shall make the appropriate transfer.

(e) EXEMPTION FROM CERTAIN LIMITATIONS.—The limitation provided for 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 the project-based vouchers allocated and administered under this section.

(f) AUTHORIZATION OF FUNDS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary $200,000,000 for purposes of allocating and administering project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), which shall remain available until expended.

(2) PURPOSE.—Such funds are authorized for the purpose of ensuring that 25 percent of the units created, repaired, or refurbished under the low income housing tax credit under section 42 or section 1400N(c) of the Internal Revenue Code of 1986, are affordable to very low-income and extremely low-income individuals and households.

(g) EFFECTIVE DATE.—This section shall become effective upon appropriation of the necessary funds to carry out this section.

(h) OFFSET.—Section 843(a) of title 18, United states Code, is amended by—

(1) inserting ''(1)'' after ''(a)''; and

(2) adding at the end the following:

''(2) The Attorney General shall collect a user fee from each licensee under this section of $0.02 per pound for any commercial, non-military explosive material manufactured in or imported into the United States by that licensee.''.

SEC. 3. FEMA HOUSING ASSISTANCE.

(a) AMENDMENTS TO STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT.—Section 408(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)) is amended—

(1) in the paragraph heading, by inserting ''SEMIPERMANENT, AND PERMANENT'' after ''TEMPORARY''; and

(2) in subparagraph (B)

(A) in clause (i)—

(i) by inserting ''semipermanent, and permanent'' after ''temporary''; and

(ii) by inserting ''subject to certain conditions outlined below'' after ''units'';

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(C) by inserting after clause (i) the following:

''(ii) CONDITIONS FOR PROVIDING TEMPORARY, SEMIPERMANENT, AND PERMANENT HOUSING UNITS.—

''(I) IN GENERAL.—When determining whether to provide temporary, semipermanent, or permanent housing under clause (i), the President shall examine certain conditions, including—

''(aa) the relative cost efficiency of providing the housing units;

''(bb) the likelihood that individuals and families will be living in Federal Emergency Management Agency (in this subparagraph referred to as 'FEMA') assisted housing longer than 3 to 6 months, due to the scope of the disaster where individuals and households are located;

''(cc) the potential benefits of providing housing that will help to restore permanent housing stock lost as a result of the disaster; and

''(dd) any other conditions that the President deems necessary to examine, depending on the scope of the disaster and the subsequent rebuilding and recovery process.

''(II) MEETING NEEDS.—When providing temporary, semipermanent, or permanent housing units under clause (i), the President shall ensure that—

''(aa) an adequate share of the housing units will be deployed to meet the needs of predisaster renters, especially low-income households;

''(bb) that the deployment of the housing units will minimize the concentration of poverty;

''(cc) that an adequate share of the housing units is accessible 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)); and

''(dd) the housing units will be placed within a reasonable distance from needed services, such as access to transportation, employment opportunities, health care facilities, schools, day care services, and financial and employment counseling.''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to individuals and households affected—

(1) by a disaster to which section 408(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)) would otherwise apply, occurring on or after the date of enactment of this Act; and

(2) by the consequences of Hurricanes Katrina, Rita, and Wilma of 2005.

SEC. 4. TRANSFER OF TEMPORARY RENTAL ASSISTANCE.

(a) IN GENERAL.—The Director of the Federal Emergency Management Agency (in this section referred to as the ''Director'' and ''FEMA'', respectively) shall enter into a mission assignment with the Secretary to transfer adequate funds from FEMA Disaster Relief Funds into the Disaster Voucher Program at the Department of Housing and Urban Development in order to fully implement subsection (b).

(b) TRANSFERS.—The Director shall ensure that the following individuals and households are transferred into the Disaster Voucher Program:

(1) Individuals and households receiving assistance through FEMA's transitional housing program authorized under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) .

(2) Individuals and households receiving assistance through—

(A) rental assistance programs administered through State and local voucher programs that receive reimbursement from FEMA; or

(B) any other program authorized under section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b).

(c) STATE AND LOCAL GOVERNMENTS.—FEMA shall work with State and local governments, as well as private entities providing services, to ensure that proper notice and assistance is provided to individuals and households, while the transfer under this section is completed.

(d) OPT-OUT PROVISION.—Individuals and families receiving FEMA housing assistance under subsection (b) may opt-out of the transfer to the Disaster Voucher Program authorized in subsection (a).

(e) APPLICABILITY.—This section shall apply with respect to individuals and households affected—

(1) by a disaster occurring on or after the date of enactment of this Act; and

(2) by the consequences of Hurricanes Katrina, Rita, and Wilma of 2005.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. DURBIN, Mr. HAGEL, and Mr. NELSON of Nebraska):

S. 3890. A bill to enhance and improve the energy security of the United States, expand economic development, increase agricultural income, and improve environmental quality by reauthorizing and improving the renewable energy systems and energy efficiency improvements program of the Department of Agriculture through fiscal year 2012, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today I am introducing the Rural Energy for America Act of 2006. This legislation will strengthen and expand the renewable energy and energy efficiency program established in section 9006 of the Farm Security and Rural Investment Act of 2002 by increasing its overall funding, creating a new rebate) program, providing new grant options for wind energy projects, allowing rural schools to qualify for the program and fostering the administration of direct

loans. I am very pleased to have Senators LUGAR, DURBIN, HAGEL and NELSON as co-sponsors.

The section 9006 Renewable Energy Systems and Energy Efficiency Improvements program—to be re-named under this legislation as the Rural Energy for America Program (REAP)—provides farmers, ranchers, and rural small businesses with financial support for installing renewable energy systems and making energy efficiency improvements.

I authored section 9006 in 2002 as Chair of the Senate Committee on Agriculture, Nutrition and Forestry with the strong support of Senator LUGAR, the Ranking Member at that time and a long-time ally in advocating for renewable energy production. This has proven to be one of the most important provisions we included in the 2002 farm bill's first-ever energy title.

During its first three years, the Renewable Energy Systems and Energy Efficiency Improvements program has distributed $63.9 million and catalyzed the development of 412 renewable energy and energy efficiency projects in 37 states. The awards have leveraged an additional $699 million, bringing the total program-related investment in clean energy systems for farms, ranches and rural communities to $763 million. Thus, this program has had remarkable success in stimulating investments that increase reliance on clean, domestic energy systems and enhance energy efficiency in our agricultural and rural business sectors.

Developing and expanding homegrown renewable energy is a key part of our national energy security strategy. Section 9006 provides grant support for many different forms of renewable energy, including solar, wind, biomass, geothermal and renewable hydrogen.

Prior to 2003, there were fewer than 30 locally-owned wind farms in operation. As a direct result of the section 9006 program, over 80 new community wind projects were awarded grants by the end of 2005. When completed, these projects will have a capacity of over 300 megawatts of wind power and provide new income for American farmers and cleaner air for all of us.

Section 9006 successfully promotes on-farm anaerobic digesters, which capture and use methane gas from livestock and poultry manure. Before 2003, there were fewer than 10 digesters in operation in the United States. Under the section 9006 program, 15 new digester projects are now operational and an additional 59 projects are under development. These projects provide new sources of farm income and help farmers deal with manure in a more environmentally sound manner.

The program also has funded bioenergy production and the adoption of energy efficiency technologies and practices. As a result, 124 million gallons of ethanol and biodiesel production capacity are coming online, and energy saving improvements have been installed at 160 farms, ranches and rural small businesses, resulting in a savings of 250 billion BTUs/year and millions of dollars in reduced electricity, diesel fuel, natural gas and propane expense.

Together, these renewable energy projects produce 16.9 trillion BTUs/year in the form of fuels, electricity and thermal energy. The combination of renewable energy and energy efficiency projects also will reduce carbon dioxide emissions into the atmosphere by 4 million metric tons a year, showing that our rural communities can be a part of the solution to global warming.

It is clear that the section 9006 program has been extraordinarily successful. However, we have only begun to tap into the potential for American ingenuity in homegrown clean energy production and energy efficiency measures. The demand for rural renewable energy and energy efficiency assistance far outpaces the program's resources. Today, the demand is almost triple the available program funding.

Our legislation will strengthen and expand the program to help agricultural producers and rural small businesses cope with high energy prices, move our rural economies forward and protect the environment. In addition to increasing overall program funding, this bill will allow rural schools to apply for REAP funding. Schools have been eager to participate in the section 9006 program since its inception. Allowing schools to qualify will help them mitigate high energy costs and help teachers educate our youth about the many benefits of energy efficiency and clean alternative energy sources.

This legislation further promotes wind energy expansion by giving farmers and other eligible developers an additional financing option. Currently, most of the funds granted for wind power projects under section 9006 are used to purchase and install wind turbine systems. Under Federal tax rules, however, grants used for such acquisition and construction costs have the potential to significantly reduce important tax credits for the project.

To avoid such counterproductive tax impacts, the legislation authorizes USDA in appropriate circumstances to structure grants as production incentives instead of equipment purchase or construction grants, thereby reducing the risk of negating the tax credit benefit. The need for such a change was highlighted in a recent report written by Berkeley National Lab entitled ''Avoiding the Haircut: Potential Ways to Enhance the Value of the USDA's Section 9006 Program.''

This legislation also includes a new rebate program providing the lesser of $10,000 or 50 percent of project costs for energy efficiency improvements and the purchase of renewable energy systems. Similar state-run rebate programs are recognized as effective mechanisms for promoting small-scale development projects. This rebate program will enable small and medium-sized farmers and rural small businesses to obtain rapid and long-lasting relief from high energy prices through a simple and proven mechanism. Grants for this purpose would be limited to no more than 20% of the total REAP funding.

This bill also urges USDA to initiate the use of direct loans to complement the REAP program grants, by expressing the sense of the Senate that USDA should implement the direct loan provisions of section 9006. Although the original legislation in section 9006 called for the establishment of a program of ''grants, loans and loan guarantees,'' USDA has not yet established a direct loan program. Our legislation urges USDA to move a direct loan initiative forward.

The bill also allows USDA to provide grants for feasibility studies. Feasibility studies can ensure that projects are thoroughly assessed through technology and systems' analysis in their early stages, thus promoting successful and cost-effective projects. The amount of funds for feasibility studies would be capped to ensure that the majority of REAP funding continues to focus on deployment of renewable energy systems and energy efficiency improvements.

Farm-based energy initiatives encompass a wide range of proven technologies to produce or save energy. The unique and successful section 9006 program has been instrumental to adoption of renewable energy and energy efficiency systems in the agricultural and rural small business sectors. The record to date signals an opportunity for vastly expanding these alternative energy and energy efficiency benefits in rural America.

We have broad agreement in our country on moving farm-based renewable energy and energy efficiency forward. Let's help do that by updating and improving the section 9006—Rural Energy for America Program—for the future.

I urge my colleagues to support this important legislation.

By Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 3891. A bill to extend the time for filing certain claims under the September 11th Victim Compensation Fund of 2001, and for other purposes; to the Committee on the Judiciary.

Mr. MENENDEZ. Mr. President, today I am pleased to join with Senators CLINTON, LAUTENBERG, and SCHUMER to introduce the James Zadroga Act. This bicameral and bipartisan legislation would reopen the September 11 Victims Compensation Fund, VCF, to provide financial assistance to victims and first responders of the attacks of 9/11 who became ill, in addition to their respective family members.

James Zadroga was a New York Police Department, NYPD, detective and New Jersey resident, who when he died earlier this year was the first 9/11 responder to have his death directly attributed to exposure to the toxins of

Ground Zero. He became ill just weeks after working at Ground Zero, but because he retired in 2004, the NYPD determined that his four-year-old daughter Tylerann could only receive a disability pension, instead of the full death benefit to which she should be entitled.

That is why in April, I authored a letter with my colleagues Senators LAUTENBERG, CLINTON, and SCHUMER that called on New York officials to enact legislation that would provide full benefits to Tylerann and other beneficiaries like her.

In August, New York enacted three new laws, including one that would allow those recovery workers who have retired from public service to have their retirement status reclassified as accidental disability if they later become ill due to their efforts at Ground Zero. That action by the State of New York is vitally important, because we unfortunately know that Detective Zadroga's death will not be the last to be suffered by the brave Americans who rushed to Ground Zero in the hours and days after September 11.

As our Nation continues to heal from the wounds inflicted by the 9/11 terror attacks, there are many first responders whose wounds have yet to heal from the aftermath of that day. We as a nation must care for those who cared for America in its time of need. We cannot let bureaucratic red tape stand between those who helped America pick up the pieces and the compensation they deserve.

Today, by introducing this legislation we take the next step in working to ensure that the heroes who sacrificed their health—and in Detective Zadroga's case, his life—will be justly compensated. I believe we owe them nothing less.

This legislation reopens the fund created to care for the families of 9/11 victims and for those injured or who became ill as a direct result of the attacks. Unfortunately, many who should have received compensation from the VCF never did because their illnesses did not develop or have become significantly worse since the original filing deadline of December 22, 2003. In other instances, original guidelines prohibited the VCF to make awards if injuries were sustained more than 96 hours after the attacks.

Specifically, the ''James Zadroga Act'' would: Reopen September 11 Victims Compensation Fund for individuals who became ill or did not file before the original December 22, 2003 deadline;

Allow for adjustment of previous awards if the Special Master of the fund determines the medical conditions of the claimant warrants an adjustment; and

Amend eligibility rules so that responders to the 9/11 attacks who arrived later than the first 96 hours could be eligible if they experienced illness or injury from their work at the site.

Congress needs to pass this bill—we need to stand up for these American heroes and their families. I urge my colleagues to join with us in this important effort by cosponsoring this piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3891

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''James Zadroga Act of 2006''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The September 11th Victim Compensation Fund of 2001 was established to provide compensation to individuals (or relatives of deceased individuals) who were physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001.

(2) The deadline for filing claims for compensation under the Victim Compensation Fund was December 22, 2003.

(3) Some individuals did not know they were eligible to file claims for compensation or did not know they had suffered physical harm as a result of the terrorist-related aircraft crashes until after the December 22, 2003, deadline.

SEC. 3. DEADLINE EXTENSION FOR CERTAIN CLAIMS UNDER SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001.

Section 405(a)(3) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended to read as follows:

''(3) LIMITATION.—

''(A) IN GENERAL.—Except as provided by subparagraph (B), no claim may be filed under paragraph (1) after December 22, 2003.

''(B) EXCEPTIONS.—A claim may be filed under paragraph (1) by an individual (or by a personal representative on behalf of a deceased individual)—

''(i) during the 5-year period after the date of enactment of this subparagraph, if the Special Master determines that the individual—

''(I) did not know that the individual had suffered physical harm as a result of the terrorist-related aircraft crashes of September 11, 2001, until after December 22, 2003, and before the date of the enactment of this subparagraph;

''(II) did not for any reason other than as described in subclause (I) know that the individual was eligible to file a claim under paragraph (1) until after December 22, 2003;

''(III) suffered psychological harm as a result of the terrorist-related aircraft crashes; or

''(IV) in the case of an individual who had previously filed a claim under this title, suffered a significantly greater physical harm than was known to the individual as of the date the claim was filed and did not know the full extent of the physical harm suffered as a result of the terrorist-related aircraft crashes until after the date on which the claim was filed and before the date of enactment of this subparagraph; and

''(ii) during the 5-year period after the date that the individual—

''(I) first knew that the individual had suffered physical or psychological harm as a result of the terrorist-related aircraft crashes of September 11, 2001, if the Special Master determines that the individual did not know that the individual had suffered such physical or psychological harm until a date that is on or after the date of enactment of this subparagraph; or

''(II) in the case of an individual who had previously filed a claim under this title and had suffered a significantly greater physical harm than was known to the individual as of the date the claim was filed, or had suffered psychological harm as a result of the terrorist-related crashes, first knew the full extent of the physical and psychological harm suffered as a result of the terrorist-related aircraft crashes, if the Special Master determines that the individual did not know the full extent of the harm suffered until a date that is on or after the date of the enactment of this subparagraph.''.

SEC. 4. EXCEPTION TO SINGLE CLAIM REQUIREMENT IN CERTAIN CIRCUMSTANCES.

Section 405(c)(3)(A) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended to read as follows:

''(A) SINGLE CLAIM.—

''(i) IN GENERAL.—Except as provided by clause (ii), not more than 1 claim may be submitted under this title by an individual or on behalf of a deceased individual.

''(ii) EXCEPTION.—A second claim may be filed under subsection (a)(1) by an individual (or by a personal representative on behalf of a deceased individual) if the individual is an individual described in either of clauses (i)(IV) or (ii)(II) of subsection (a)(3)(B).''.

SEC. 5. ELIGIBILITY OF CLAIMANTS SUFFERING FROM PSYCHOLOGICAL HARM.

(a) IN GENERAL.—Section 405(c)(2)(A)(ii) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by inserting '', psychological harm,'' before ''or death''.

(b) CONFORMING AMENDMENT.—Section 405(a)(2)(B)(i) of such Act is amended by striking ''physical harm'' and inserting ''physical or psychological harm''.

SEC. 6. IMMEDIATE AFTERMATH DEFINED.

Section 402 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by adding at the end the following new paragraph:

''(11) IMMEDIATE AFTERMATH.—In section 405(c)(2)(A)(i), the term 'immediate aftermath' means any period of time after the terrorist-related aircraft crashes of September 11, 2001, as determined by the Special Master, that was sufficiently close in time to the crashes that there was a demonstrable risk to the claimant of physical or psychological harm resulting from the crashes, including the period of time during which rescue, recovery, and cleanup activities relating to the crashes were conducted.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 566—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE IMPORTANCE OF PREVENTING CHILD ABUSE AND NEGLECT BEFORE THEY OCCUR AND ACHIEVING PERMANENCY AND STABILITY FOR CHILDREN WHO MUST EXPERIENCE FOSTER CARE

Mrs. CLINTON submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 566

Whereas in 2004, authorities received reports that an estimated 3,000,000 children

suffered child abuse or neglect, and the reports of abuse or neglect were substantiated for approximately 872,000 of the children;

Whereas in 2004, 1,490 children died tragically as a result of abuse;

Whereas research from the United States Children's Bureau of the Department of Health and Human Services shows that a greater amount of caseworker contact with children and parents results in better outcomes for families;

Whereas child protective service agencies throughout the country have set goals in order to improve service quality, including the agencies in New York, whose goal is to maintain caseloads at an average of 12 cases per caseworker, with a maximum of 5 new cases per caseworker each month;

Whereas research on child welfare service staff suggests the need for staff that have formal social work education, especially education obtained through specialized child welfare programs; and

Whereas research on child welfare service staff has shown a link between a supportive and flexible organizational environment and reduced staff turnover: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Congress should increase funding to provide for additional child welfare service caseworkers and associated administrative costs;

(2) Congress should encourage States to set goals for decreasing caseloads of child welfare service caseworkers, in order to ensure quality service for the most vulnerable children; and

(3) Congress should encourage States to implement policies with increased educational and professional development expectations for caseworkers in child welfare service agencies.

SENATE RESOLUTION 567—HONORING THE DETROIT SHOCK ON WINNING THE 2006 WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Ms. STABENOW (for herself and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 567

Whereas, on Saturday, September 9, 2006, the Detroit Shock won the 2006 Women's National Basketball Association (WNBA) Championship by defeating the defending champion Sacramento Monarchs by a score of 80 to 75;

Whereas the Detroit Shock triumphed in 5 highly competitive championship games, going into the final championship game with 1 win and 1 loss in Michigan and 1 win and 1 loss in California;

Whereas the Detroit Shock were able to celebrate the tenth year of the WNBA and the eighth year of the Detroit Shock with an inspiring victory in the fifth championship game that secured their second WNBA championship in 4 years;

Whereas the attendance at the final championship game at the Joe Louis Arena in Detroit, Michigan, of over 19,600 people and the enthusiasm shown by the people of Michigan clearly demonstrate Michigan's strong support for the Detroit Shock organization and the determined effort of all the team's players;

Whereas the Detroit Shock completed an incredible season, capped by spectacular performances in the final championship game by the Most Valuable Player of the 2006 WNBA Finals, Deanna Nolan, who, with a total of 24 points, led the game in points scored, Cheryl Ford, who led the game in rebounds, recovering 10 rebounds in addition to scoring 10 points, and Katie Smith, who scored 17 points;

Whereas each member of the Detroit Shock organization made meaningful contributions to the team's success, including players Jacqueline Batteast, Kara Braxton, Swin Cash, Cheryl Ford, Kedra Holland-Corn, Deanna Nolan, Plenette Pierson, Elaine Powell, Ruth Riley, Katie Smith, and Angelina Williams, Head Coach Bill Laimbeer, Assistant Coaches Cheryl Reeve and Rick Mahorn, Athletic Trainer Mike Perkins, and the owner of the Detroit Shock, Bill Davidson;

Whereas Detroit Shock Head Coach Bill Laimbeer has won 4 professional basketball titles, including 2 as the coach of the Detroit Shock and 2 as a player for the Detroit Pistons;

Whereas Detroit Shock owner Bill Davidson's 2 Detroit basketball teams have won 5 championship titles; and

Whereas the Detroit Shock demonstrated superior strength, skill, and perseverance during the 2006 season and have made the City of Detroit and the entire State of Michigan proud: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Detroit Shock on winning the 2006 Women's National Basketball Association Championship and recognizes all the players, coaches, staff, fans, and others who were instrumental in this great achievement; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Detroit Shock for appropriate display.

SENATE RESOLUTION 568—CONGRATULATING THE COLUMBUS NORTHERN LITTLE LEAGUE TEAM OF COLUMBUS, GEORGIA, FOR WINNING THE CHAMPIONSHIP GAME OF THE LITTLE LEAGUE WORLD SERIES

Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 568

Whereas, on August 28, 2006, the Columbus Northern Little League team defeated the Kawaguchi Little League team of Kawaguchi City, Japan, by 2 runs to 1 run to win the 60th annual Little League Baseball World Series;

Whereas the Columbus Northern Little League team is only the 2nd team from the State of Georgia to win the Little League Baseball World Series in the 60-year history of that tournament;

Whereas the Columbus Northern Little League team had an impressive record of 20 wins and only 1 loss;

Whereas, although no other pitcher in the history of the Little League Baseball World Series had ever won more than 3 games during the tournament, Kyle Carter made history by striking out 11 batters in the championship game to earn his 4th win of the Little League Baseball World Series;

Whereas the success of the Columbus Northern Little League team depended on the tremendous dedication and sportsmanship of the team, including—

(1) Matthew Hollis, who played 2nd base and centerfield;

(2) Ryan Lang, who played right field;

(3) Mason Meyers, who played right field and 3rd base;

(4) Matthew Kuhlenberg, who played left field;

(5) Patrick Stallings, who played 3rd base;

(6) Josh Lester, who played 2nd base and shortstop;

(7) Brady Hamilton, who played 1st base, outfield, and pitched for the team;

(8) Cody Walker, who caught for the team;

(9) Kyle Carter, who pitched for the team;

(10) J.T. Phillips, who played shortstop and pitched for the team; and

(11) Kyle Rovig, who played left field and pitched for the team;

Whereas the Columbus Northern Little League team was managed by Randy Morris and coached by Richard Carter, each of whom demonstrated leadership, professionalism, and respect for the players who they led and the game of baseball;

Whereas the fans of the Columbus Northern Little League team showed enthusiasm, support, and courtesy for the game of baseball and all of the players and coaches;

Whereas the performance of the Columbus Northern Little League team demonstrated to parents and communities throughout the United States that athletic participation builds character and leadership in children; and

Whereas the Columbus Northern Little League team brought pride and honor to the State of Georgia and the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates and honors the Columbus Northern Little League team and the loyal fans who supported the team on winning the 60th annual Little League Baseball World Series;

(2) recognizes and commends the hard work, dedication, determination, and commitment to excellence of the members, parents, coaches, and managers of the Columbus Northern Little League team;

(3) recognizes and commends the people of Columbus, Georgia, for the outstanding loyalty and support that they displayed for the Columbus Northern Little League team throughout the season;

(4) commends Little League Baseball for continuing the tradition of encouraging the development of sportsmanship and confidence in youth by sponsoring world-class baseball; and

(5) respectfully requests that—

(A) the American people recognize the achievements of the Columbus Northern Little League team; and

(B) the Secretary of the Senate transmit an enrolled copy of this resolution to—

(i) the City of Columbus; and

(ii) each player, manager, and coach of the Columbus Northern Little League Baseball team.

AMENDMENTS SUBMITTED & PROPOSED

SA 4929. Mrs. MURRAY (for herself, Mr. INOUYE, Mrs. CLINTON, and Ms. COLLINS) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

SA 4930. Mr. SCHUMER (for himself, Mrs. BOXER, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4931. Mrs. HUTCHISON (for herself, Mr. KYL, and Mr. DEWINE) submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra.

SA 4932. Mr. DOMENICI (for himself, Mr. WARNER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4933. Mr. DOMENICI (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R.

4954, supra; which was ordered to lie on the table.

SA 4934. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4935. Mr. SALAZAR (for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. PRYOR, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4936. Mr. REID proposed an amendment to the bill H.R. 4954, supra.

SA 4937. Mr. DORGAN (for himself and Mr. SCHUMER) proposed an amendment to the bill H.R. 4954, supra.

SA 4938. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4939. Mr. KERRY (for himself, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. CLINTON, Mr. AKAKA, Mr. KENNEDY, Ms. CANTWELL, Ms. SNOWE, Mr. NELSON, of Florida, Mr. INOUYE, Mr. SMITH, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4940. Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. MENENDEZ, Mr. SCHUMER, Mrs. CLINTON, and Mr. REED) proposed an amendment to the bill H.R. 4954, supra.

SA 4941. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4942. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4943. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4944. Mr. NELSON, of Nebraska (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4945. Mr. NELSON, of Nebraska (for himself, Mr. CONRAD, Mr. REID, Mr. SALAZAR, Mr. JOHNSON, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4946. Mr. BURNS (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4947. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4948. Mr. BURNS submitted an amendment intended to be proposed to amendment SA 4947 submitted by Mr. BURNS and intended to be proposed to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4949. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4950. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4951. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4952. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4953. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4954. Ms. SNOWE (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4955. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4956. Mr. SHELBY (for himself, Mr. SARBANES, Mr. ALLARD, Mr. BENNETT, Mr. SCHUMER, Mrs. BOXER, Mr. REED, Mr. MENENDEZ, Mrs. CLINTON, Mr. LIEBERMAN, Ms. STABENOW, and Mr. SANTORUM) proposed an amendment to the bill H.R. 4954, supra.

SA 4957. Mrs. CLINTON (for herself and Mrs. DOLE) submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4958. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4959. Mr. PRYOR (for himself and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4960. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4961. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4962. Mr. VOINOVICH (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4963. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4964. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4929. Mrs. MURRAY (for herself, Mr. INOUYE, Mrs. CLINTON, and Ms. COLLINS) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. COBRA FEES.

(a) EXTENSION OF FEES.—Subparagraphs (A) and (B)(i) of section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A) and (B)(i)) are amended by striking ''2014'' each place it appears and inserting ''2015''.

(b) USE OF FEES.—Paragraph (2) of section 13031(f) of such Act (19 U.S.C. 58c(f)(2)) is amended by adding at the end the following: ''The provisions of the first and second sentences of this paragraph limiting the purposes for which amounts in the Customs User Fee Account may be made available shall not apply with respect to amounts in that Account during fiscal year 2015.''.

SA 4930. Mr. SCHUMER (for himself, Mrs. BOXER, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 5, between lines 20 and 21, insert the following:

(9) INTEGRATED SCANNING SYSTEM.—The term ''integrated scanning system'' means a system for scanning containers with the following elements:

(A) The container passes through a radiation detection device.

(B) The container is scanned using gamma-ray, x-ray, or another internal imaging system.

(C) The container is tagged and catalogued using an on-container label, radio frequency identification, or global positioning system tracking device.

(D) The images created by the scans required under subparagraph (B) are reviewed and approved by the Secretary, or the designee of the Secretary.

(E) Every radiation alarm is resolved according to established Department procedures.

(F) The information collected is utilized to enhance the Automated Targeting System or other relevant programs.

(G) The information is stored for later retrieval and analysis.

On page 43, strike lines 11 through 14 and insert ''enter into agreements with the governments of foreign countries participating in the Container Security Initiative that establish criteria and procedures for an integrated scanning system and shall monitor oper-''.

On page 44, line 5, strike ''and''.

On page 44, line 9, strike the period at the end and insert the following: ''; and''.

On page 44, between lines 9 and 10, insert the following:

(5) shall prohibit, beginning on October 1, 2008, the shipment of any container from a foreign seaport designated under Container Security Initiative to a port in the United States unless the container has passed through an integrated scanning system.

On page 60, strike lines 9 through 15.

On page 62, lines 7 and 8, strike ''As soon as practicable and possible after the date of enactment of this Act'' and insert ''Not later than October 1, 2010''

SA 4931. Mrs. HUTCHISON (for herself, Mr. KYL, and Mr. DEWINE) submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 76, line 1, strike ''725'' and insert ''1000''.

On page 77, strike lines 17 through 21 and insert the following:

''(A) $130,000,000 for fiscal year 2008.

''(B) $239,200,000 for fiscal year 2009.

''(C) $248,800,000 for fiscal year 2010.

''(D) $258,700,000 for fiscal year 2011.

''(E) $269,000,000 for fiscal year 2012.''.

SA 4932. Mr. DOMENICI (for himself, Mr. WARNER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, add after line 18, the following:

TITLE V—DOMESTIC NUCLEAR DETECTION OFFICE

SEC. 501. ESTABLISHMENT OF DOMESTIC NUCLEAR DETECTION OFFICE.

(a) ESTABLISHMENT OF OFFICE.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)

is amended by adding at the end the following:

"TITLE XVIII—DOMESTIC NUCLEAR DETECTION OFFICE

"SEC. 1801. DOMESTIC NUCLEAR DETECTION OFFICE.

''(a) ESTABLISHMENT.—There shall be established in the Department of Homeland Security a Domestic Nuclear Detection Office. The Secretary of Homeland Security may request that the Secretaries of Defense, Energy, and State, the Attorney General, the Nuclear Regulatory Commission, and the directors of other Federal agencies, including elements of the Intelligence Community, provide for the reimbursable detail of personnel with relevant expertise to the Office.

''(b) DIRECTOR.—The Office shall be headed by a Director for Domestic Nuclear Detection, who shall be appointed by the President.

"SEC. 1802. MISSION OF OFFICE.

''(a) MISSION.—The Office shall be responsible for coordinating Federal efforts to detect and protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material in the United States, and to protect against attack using such devices or materials against the people, territory, or interests of the United States and, to this end, shall—

''(1) serve as the primary entity in the United States Government to further develop, acquire, and support the deployment of an enhanced domestic system to detect and report on attempts to import, possess, store, transport, develop, or use an unauthorized nuclear explosive device, fissile material, or radiological material in the United States, and improve that system over time;

''(2) enhance and coordinate the nuclear detection efforts of Federal, State, local, and tribal governments and the private sector to ensure a managed, coordinated response;

''(3) establish, with the approval of the Secretary of Homeland Security and in coordination with the Attorney General and the Secretaries of Defense and Energy, additional protocols and procedures for use within the United States to ensure that the detection of unauthorized nuclear explosive devices, fissile material, or radiological material is promptly reported to the Attorney General, the Secretaries of Defense, Homeland Security, and Energy, and other appropriate officials or their respective designees for appropriate action by law enforcement, military, emergency response, or other authorities;

''(4) develop, with the approval of the Secretary of Homeland Security and in coordination with the Attorney General and the Secretaries of State, Defense, and Energy, an enhanced global nuclear detection architecture with implementation under which—

''(A) the Domestic Nuclear Detection Office will be responsible for the implementation of the domestic portion of the global architecture;

''(B) the Secretary of Defense will retain responsibility for implementation of Department of Defense requirements within and outside the United States; and

''(C) the Secretaries of State, Defense, and Energy will maintain their respective responsibilities for policy guidance and implementation of the portion of the global architecture outside the United States, which will be implemented consistent with applicable law and relevant international arrangements;

''(5) conduct, support, coordinate, and encourage an aggressive, expedited, evolutionary, and transformational program of research and development efforts to prevent and detect the illicit entry, transport, assembly, or potential use within the United States of a nuclear explosive device or fissile or radiological material;

''(6) support and enhance the effective sharing and use of appropriate information generated by the intelligence community, law enforcement agencies, counterterrorism community, other government agencies, and foreign governments, as well as provide appropriate information to such entities;

''(7) further enhance and maintain continuous awareness by analyzing information from all Domestic Nuclear Detection Office mission-related detection systems; and

''(8) perform other duties as assigned by the Secretary.

"SEC. 1803. HIRING AUTHORITY.

''In hiring personnel for the Office, the Secretary of Homeland Security shall have the hiring and management authorities provided in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105–261). The term of appointments for employees under subsection (c)(1) of that section may not exceed 5 years before granting any extension under subsection (c)(2) of that section.

"SEC. 1804. TESTING AUTHORITY.

''(a) IN GENERAL.—The Director shall coordinate with the responsible Federal agency or other entity to facilitate the use by the Office, by its contractors, or by other persons or entities, of existing Government laboratories, centers, ranges, or other testing facilities for the testing of materials, equipment, models, computer software, and other items as may be related to the missions identified in section 1802. Any such use of Government facilities shall be carried out in accordance with all applicable laws, regulations, and contractual provisions, including those governing security, safety, and environmental protection, including, when applicable, the provisions of section 309. The Office may direct that private-sector entities utilizing Government facilities in accordance with this section pay an appropriate fee to the agency that owns or operates those facilities to defray additional costs to the Government resulting from such use.

''(b) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available shall be confidential and shall not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

''(c) FEES.—Fees for services made available under this section shall not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

''(d) USE OF FEES.—Fees received for services made available under this section may be credited to the appropriation from which funds were expended to provide such services.

"SEC. 1805. RELATIONSHIP TO OTHER DEPARTMENT ENTITIES AND FEDERAL AGENCIES.

''The authority of the Director under this title shall not affect the authorities or responsibilities of any officer of the Department of Homeland Security or of any officer of any other Department or agency of the United States with respect to the command, control, or direction of the functions, personnel, funds, assets, and liabilities of any entity within the Department of Homeland Security or any Federal department or agency.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended by adding at the end the following:

''(5) A Director of the Domestic Nuclear Detection Office.''.

(2) Section 302 of such Act (6 U.S.C. 182) is amended—

(A) in paragraph (2) by striking ''radiological, nuclear''; and

(B) in paragraph (5)(A) by striking ''radiological, nuclear''.

(3) Section 305 of such Act (6 U.S.C. 185) is amended by inserting ''and the Director of the Domestic Nuclear Detection Office'' after ''Technology''.

(4) Section 308 of such Act (6 U.S.C. 188) is amended in each of subsections (a) and (b)(1) by inserting ''and the Director of the Domestic Nuclear Detection Office'' after ''Technology'' each place it appears.

(5) The table of contents of such Act (6 U.S.C. 101) is amended by adding at the end the following:

''TITLE XVIII—DOMESTIC NUCLEAR DETECTION OFFICE

''Sec. 1801. Domestic Nuclear Detection Office.
''Sec. 1802. Mission of office.
''Sec. 1803. Hiring authority.
''Sec. 1804. Testing authority.
''Sec. 1805. Relationship to other department entities and Federal agencies.''.

SEC. 502. TECHNOLOGY RESEARCH AND DEVELOPMENT INVESTMENT STRATEGY FOR NUCLEAR AND RADIOLOGICAL DETECTION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of the Department of Energy, the Secretary of Defense, and the Director of National Intelligence shall submit to Congress a research and development investment strategy for nuclear and radiological detection.

(b) CONTENTS.—The strategy under subsection (a) shall include—

(1) a long-term technology roadmap for nuclear and radiological detection applicable to the mission needs of the Departments of Homeland Security, Energy, and Defense, and the Office of the Director of National Intelligence;

(2) budget requirements necessary to meet the roadmap; and

(3) documentation of how the Departments of Homeland Security, Energy, and Defense, and the Office of the Director of National Intelligence will implement the intent of this title.

SA 4933. Mr. DOMENICI (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, lines 14 and 15, strike ''under any program administered by the Department''.

On page 44, lines 23 and 24, strike ''the Department's'' and insert ''both the Department's and the Department of Energy's''.

On page 59, lines 12 and 13, strike ''The equipment may be provided by the Megaports Initiative of the Department of Energy.''.

On page 59, line 17, insert ''(1) IN GENERAL.—'' before ''The''.

On page 59, between lines 22 and 23, insert the following:

(2) COORDINATION.—The Secretary shall coordinate with the Secretary of Energy to—

(A) provide radiation detection equipment required to support the pilot-integrated scanning system established pursuant to subsection (a) through the Department of

Energy's Second Line of Defense and Megaports programs; or

(B) work with the private sector to obtain radiation detection equipment that meets both the Department's and the Department of Energy's technical specifications for such equipment.

SA 4934. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMERGENCY COMMUNICATIONS AND INTEROPERABILITY GRANTS.

(a) IN GENERAL.—The Secretary, through the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination, shall make grants to States, eligible regions, and local governments for initiatives necessary to improve emergency communications capabilities and to achieve short-term or long-term solutions to statewide, regional, national, and, where appropriate, international interoperability.

(b) USE OF GRANT FUNDS.—A grant awarded under subsection (a) may be used for initiatives to achieve short-term or long-term solutions for emergency communications and interoperability within the State or region and to assist with any aspect of the communication life cycle, including—

(1) statewide or regional communications planning;

(2) system design and engineering;

(3) procurement and installation of equipment;

(4) training exercises;

(5) modeling and simulation exercises for operational command and control functions; and

(6) other activities determined by the Secretary to be integral to the achievement of emergency communications capabilities and communications interoperability.

(c) DEFINITIONS.—In this section—

(1) the term ''eligible region'' means—

(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes, or other general purpose jurisdictions that—

(i) have joined together to enhance emergency communications capabilities or communications interoperability between emergency response providers in those jurisdictions and with State and Federal officials; and

(ii) includes the largest city in any metropolitan statistical area, as defined by the Office of Management and Budget; or

(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8; and

(2) the terms ''emergency response providers'' and ''local government'' have the meanings given the terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000,000 for each of fiscal years 2007 through 2011; and

(2) such sums as are necessary for each fiscal year thereafter.

SA 4935. Mr. SALAZAR (for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. PRYOR, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. RURAL POLICING INSTITUTE.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the Office of State and Local Training of the Federal Law Enforcement Training Center (based in Glynco, Georgia), to—

(1) evaluate the needs of law enforcement agencies of units of local government and tribal governments located in rural areas;

(2) develop expert training programs designed to address the needs of rural law enforcement agencies regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics identified in the evaluation conducted under paragraph (1);

(3) provide the training programs described in paragraph (2) to law enforcement agencies of units of local government and tribal governments located in rural areas; and

(4) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers of units of local government and tribal governments located in rural areas.

(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall be configured in a manner so as to not duplicate or displace any law enforcement program of the Federal Law Enforcement Training Center in existence on the date of enactment of this Act.

(c) DEFINITION.—In this section, the term ''rural'' means area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

(1) $10,000,000 for fiscal year 2007; and

(2) $5,000,000 for each of fiscal years 2008 through 2012.

SA 4936. Mr. REID proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the end, add the following:

SEC. 1001. SHORT TITLE FOR DIVISIONS A THROUGH E.

Divisions A through E of this Act may be cited as the ''Real Security Act of 2006''.

SEC. 1002. DIVISIONS; TABLE OF CONTENTS; INAPPLICABILITY OF CERTAIN DEFINITIONS.

(a) DIVISIONS.—Divisions A through E of this Act are as follows:

DIVISION A—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

DIVISION B—COMBATTING TERRORISM

DIVISION C—INTELLIGENCE AUTHORIZATIONS

DIVISION D—TRANSPORTATION SECURITY

DIVISION E—A NEW DIRECTION IN IRAQ

(b) TABLE OF CONTENTS.—The table of contents for divisions A through E of this Act is as follows:

Sec. 1001. Short title for divisions A through E.
Sec. 1002. Divisions; table of contents; inapplicability of certain definitions.

DIVISION A—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

Sec. 1101. Short title.
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Sec. 5105. Rules and procedures.
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Sec. 5107. Reports.
Sec. 5108. Administrative provisions.

Sec. 5109. Termination.
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(c) INAPPLICABILITY OF CERTAIN DEFINITIONS.—The definitions in section 2 of this Act do not apply to the provisions of divisions A through E of this Act.

DIVISION A—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

SEC. 1101. SHORT TITLE.

This division may be cited as the ''Ensuring Implementation of the 9/11 Commission Report Act''.

SEC. 1102. DEFINITION OF 9/11 COMMISSION.

In this division, the term ''9/11 Commission'' means the National Commission on Terrorist Attacks Upon the United States.

TITLE XI—HOMELAND SECURITY, EMERGENCY PREPAREDNESS AND RESPONSE

Subtitle A—Emergency Preparedness and Response

CHAPTER 1—EMERGENCY PREPAREDNESS

SEC. 1101. ADEQUATE RADIO SPECTRUM FOR FIRST RESPONDERS.

(a) SHORT TITLE.—This chapter may be cited as the ''Homeland Emergency Response Operations Act'' or the ''HERO Act''.

(b) PREVENTION OF DELAY IN REASSIGNMENT OF 24 MEGAHERTZ FOR PUBLIC SAFETY PURPOSES.—Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the end the following new subparagraph:

''(E) EXTENSIONS NOT PERMITTED FOR CHANNELS (63, 64, 68 AND 69) REASSIGNED FOR PUBLIC SAFETY SERVICES.—Notwithstanding subparagraph (B), the Commission shall not grant any extension under such subparagraph from the limitation of subparagraph (A) with respect to the frequencies assigned, pursuant to section 337(a)(1), for public safety services. The Commission shall take all actions necessary to complete assignment of the electromagnetic spectrum between 764 and 776 megahertz, inclusive, and between 794 and 806 megahertz, inclusive, for public safety services and to permit operations by public safety services on those frequencies commencing no later than January 1, 2007.''.

SEC. 1102. REPORT ON ESTABLISHING A UNIFIED INCIDENT COMMAND SYSTEM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to establishing a unified incident command system. Such report shall include—

(1) a certification by the Secretary of Homeland Security that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of Homeland Security expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1103. REPORT ON COMPLETING A NATIONAL CRITICAL INFRASTRUCTURE RISK AND VULNERABILITIES ASSESSMENT.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to completing a national critical infrastructure risk and vulnerabilities assessment. Such report shall include—

(1) a certification by the Secretary of Homeland Security that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of Homeland Security expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1104. PRIVATE SECTOR PREPAREDNESS.

The Comptroller General of the United States shall submit to Congress by not later than 90 days after the date of the enactment of this Act—

(1) a determination of what has been done to enhance private sector preparedness for terrorist attack; and

(2) recommendations of any additional congressional action or administrative action that is necessary to enhance such preparedness.

SEC. 1105. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this chapter, the term ''relevant congressional committees'' means the Committee on Homeland Security, the Committee on Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Government Affairs and the Committee on Environment and Public Works of the Senate.

CHAPTER 2—ASSISTANCE FOR FIRST RESPONDERS

SEC. 1111. SHORT TITLE.

This chapter may be cited as the ''Faster and Smarter Funding for First Responders Act of 2006''.

SEC. 1112. FINDINGS.

Congress makes the following findings:

(1) In order to achieve its objective of preventing, minimizing the damage from, and assisting in the recovery from terrorist attacks, the Department of Homeland Security must play a leading role in assisting communities to reach the level of preparedness they need to prevent and respond to a terrorist attack.

(2) First responder funding is not reaching the men and women of our Nation's first response teams quickly enough, and sometimes not at all.

(3) To reform the current bureaucratic process so that homeland security dollars reach the first responders who need it most, it is necessary to clarify and consolidate the authority and procedures of the Department of Homeland Security that support first responders.

(4) Ensuring adequate resources for the new national mission of homeland security, without degrading the ability to address effectively other types of major disasters and emergencies, requires a discrete and separate grant making process for homeland security funds for first response to terrorist acts, on the one hand, and for first responder programs designed to meet pre-September 11 priorities, on the other.

(5) While a discrete homeland security grant making process is necessary to ensure proper focus on the unique aspects of terrorism preparedness, it is essential that State and local strategies for utilizing such grants be integrated, to the greatest extent practicable, with existing State and local emergency management plans.

(6) Homeland security grants to first responders must be based on the best intelligence concerning the capabilities and intentions of our terrorist enemies, and that intelligence must be used to target resources to the Nation's greatest threats, vulnerabilities, and consequences.

(7) The Nation's first response capabilities will be improved by sharing resources, training, planning, personnel, and equipment among neighboring jurisdictions through mutual aid agreements and regional cooperation. Such regional cooperation should be supported, where appropriate, through direct grants from the Department of Homeland Security.

(8) An essential prerequisite to achieving the Nation's homeland security objectives for first responders is the establishment of well-defined national goals for terrorism preparedness. These goals should delineate the essential capabilities that every jurisdiction in the United States should possess or to which it should have access.

(9) A national determination of essential capabilities is needed to identify levels of State and local government terrorism preparedness, to determine the nature and extent of State and local first responder needs, to identify the human and financial resources required to fulfill them, to direct funding to meet those needs, and to measure preparedness levels on a national scale.

(10) To facilitate progress in achieving, maintaining, and enhancing essential capabilities for State and local first responders, the Department of Homeland Security should seek to allocate homeland security funding for first responders to meet nationwide needs.

(11) Private sector resources and citizen volunteers can perform critical functions in

assisting in preventing and responding to terrorist attacks, and should be integrated into State and local planning efforts to ensure that their capabilities and roles are understood, so as to provide enhanced State and local operational capability and surge capacity.

(12) Public-private partnerships, such as the partnerships between the Business Executives for National Security and the States of New Jersey and Georgia, can be useful to identify and coordinate private sector support for State and local first responders. Such models should be expanded to cover all States and territories.

(13) An important aspect of terrorism preparedness is measurability, so that it is possible to determine how prepared a State or local government is now, and what additional steps it needs to take, in order to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism.

(14) The Department of Homeland Security should establish, publish, and regularly update national voluntary consensus standards for both equipment and training, in cooperation with both public and private sector standard setting organizations, to assist State and local governments in obtaining the equipment and training to attain the essential capabilities for first response to acts of terrorism, and to ensure that first responder funds are spent wisely.

SEC. 1113. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended—

(1) in section 1(b) in the table of contents by adding at the end the following:

''TITLE XVIII—FUNDING FOR FIRST RESPONDERS

''Sec. 1801. Definitions.
''Sec. 1802. Faster and Smarter Funding for First Responders.
''Sec. 1803. Covered grant eligibility and criteria.
''Sec. 1804. Risk-based evaluation and prioritization.
''Sec. 1805. Task Force on Terrorism Preparedness for First Responders.
''Sec. 1806. Use of funds and accountability requirements.
''Sec. 1807. National standards for first responder equipment and training.''; and

(2) by adding at the end the following:

''TITLE XVIII—FUNDING FOR FIRST RESPONDERS

''SEC. 1801. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the First Responder Grants Board established under section 1804.

''(2) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 1802.

''(3) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

''(A) meets the criteria for inclusion in the qualified applicant pool for Self-Governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

''(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

''(C)(i) is located on, or within 5 miles of, an international border or waterway;

''(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

''(iii) is located within or contiguous to one of the 50 largest metropolitan statistical areas in the United States; or

''(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

''(4) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

''(5) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

''(6) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, respond to, and recover from acts of terrorism consistent with established practices.

''(7) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider'.

''(8) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(9) REGION.—The term 'region' means—

''(A) any geographic area consisting of all or parts of 2 or more contiguous States, counties, municipalities, or other local governments that have a combined population of at least 1,650,000 or have an area of not less than 20,000 square miles, and that, for purposes of an application for a covered grant, is represented by 1 or more governments or governmental agencies within such geographic area, and that is established by law or by agreement of 2 or more such governments or governmental agencies in a mutual aid agreement; or

''(B) any other combination of contiguous local government units (including such a combination established by law or agreement of two or more governments or governmental agencies in a mutual aid agreement) that is formally certified by the Secretary as a region for purposes of this title with the consent of—

''(i) the State or States in which they are located, including a multi-State entity established by a compact between two or more States; and

''(ii) the incorporated municipalities, counties, and parishes that they encompass.

''(10) TASK FORCE.—The term 'Task Force' means the Task Force on Terrorism Preparedness for First Responders established under section 1805.

''(11) TERRORISM PREPAREDNESS.—The term 'terrorism preparedness' means any activity designed to improve the ability to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks.

''SEC. 1802. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

''(a) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks, especially those involving weapons of mass destruction, administered under the following:

''(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

''(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

''(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

''(b) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

''(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

''(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

''(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.); the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.); and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

''SEC. 1803. COVERED GRANT ELIGIBILITY AND CRITERIA.

''(a) GRANT ELIGIBILITY.—Any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

''(b) GRANT CRITERIA.—The Secretary shall award covered grants to assist States and local governments in achieving, maintaining, and enhancing the essential capabilities for terrorism preparedness established by the Secretary.

''(c) STATE HOMELAND SECURITY PLANS.—

''(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant must submit to the Secretary a 3-year State homeland security plan that—

''(A) describes the essential capabilities that communities within the State should possess, or to which they should have access, based upon the terrorism risk factors relevant to such communities, in order to meet the Department's goals for terrorism preparedness;

''(B) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

''(C) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

''(D) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

''(E) describes how the State intends—

''(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

''(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

''(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning

agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

''(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan; and

''(G) provides for coordination of response and recovery efforts at the local level, including procedures for effective incident command in conformance with the National Incident Management System.

''(2) CONSULTATION.—The State plan submitted under paragraph (1) shall be developed in consultation with and subject to appropriate comment by local governments and first responders within the State.

''(3) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

''(4) REVISIONS.—A State may revise the applicable State homeland security plan approved by the Secretary under this subsection, subject to approval of the revision by the Secretary.

''(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

''(e) APPLICATION FOR GRANT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, or directly eligible tribe may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

''(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants must be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

''(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the subsequent fiscal year.

''(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

''(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe to which the application pertains;

''(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 1806(g)(1), would assist in fulfilling the essential capabilities for terrorism preparedness specified in such plan or plans;

''(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

''(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

''(E) if the applicant is a region—

''(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

''(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant; and

''(iii) a designation of a specific individual to serve as regional liaison;

''(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds;

''(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison; and

''(H) a statement of how the applicant intends to meet the matching requirement, if any, that applies under section 1806(g)(2).

''(5) REGIONAL APPLICATIONS.—

''(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

''(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

''(ii) shall supplement and avoid duplication with such State application; and

''(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

''(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region must submit its application to each State of which any part is included in the region for review and concurrence prior to the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days of its receipt, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

''(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application. However in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

''(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

''(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 1806(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

''(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

''(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

''(6) TRIBAL APPLICATIONS.—

''(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe must submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

''(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

''(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

''(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

''(i) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

''(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

''(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 1806(g)(1), the tribe may request payment under section 1806(h)(3) in the same manner as a local government.

''(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

''SEC. 1804. RISK-BASED EVALUATION AND PRIORITIZATION.

''(a) FIRST RESPONDER GRANTS BOARD.—

''(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a First Responder Grants Board, consisting of—

''(A) the Secretary;

''(B) the Under Secretary for Emergency Preparedness and Response;

''(C) the Under Secretary for Border and Transportation Security;

''(D) the Under Secretary for Information Analysis and Infrastructure Protection;

''(E) the Under Secretary for Science and Technology;

''(F) the Director of the Office for Domestic Preparedness;

''(G) the Administrator of the United States Fire Administration; and

''(H) the Administrator of the Animal and Plant Health Inspection Service.

''(2) CHAIRMAN.—

''(A) IN GENERAL.—The Secretary shall be the Chairman of the Board.

''(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

''(b) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in subsection (a)(1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.

''(c) PRIORITIZATION OF GRANT APPLICATIONS.—

''(1) FACTORS TO BE CONSIDERED.—The Board shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons (including transient commuting and tourist populations) and critical infrastructure. Such evaluation and prioritization shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States. The Board shall coordinate with State, local, regional, and tribal officials in establishing criteria for evaluating and prioritizing applications for covered grants.

''(2) CRITICAL INFRASTRUCTURE SECTORS.—The Board specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the United States, urban and rural:

''(A) Agriculture and food.

''(B) Banking and finance.

''(C) Chemical industries.

''(D) The defense industrial base.

''(E) Emergency services.

''(F) Energy.

''(G) Government facilities.

''(H) Postal and shipping.

''(I) Public health and health care.

''(J) Information technology.

''(K) Telecommunications.

''(L) Transportation systems.

''(M) Water.

''(N) Dams.

''(O) Commercial facilities.

''(P) National monuments and icons.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

''(3) TYPES OF THREAT.—The Board specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the United States, urban and rural:

''(A) Biological threats.

''(B) Nuclear threats.

''(C) Radiological threats.

''(D) Incendiary threats.

''(E) Chemical threats.

''(F) Explosives.

''(G) Suicide bombers.

''(H) Cyber threats.

''(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

''(4) CONSIDERATION OF ADDITIONAL FACTORS.—The Board shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Board has determined to exist. In evaluating the threat to a population or critical infrastructure sector, the Board shall give greater weight to threats of terrorism based upon their specificity and credibility, including any pattern of repetition.

''(5) MINIMUM AMOUNTS.—After evaluating and prioritizing grant applications under paragraph (1), the Board shall ensure that, for each fiscal year—

''(A) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

''(B) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan and that meets one or both of the additional high-risk qualifying criteria under paragraph (6) receives no less than 0.45 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

''(C) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each receives no less than 0.08 percent of the funds available for covered grants for that fiscal year for purposes of implementing its approved State homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D); and

''(D) directly eligible tribes collectively receive no less than 0.08 percent of the funds available for covered grants for such fiscal year for purposes of addressing the needs identified in the applications of such tribes, consistent with the homeland security plan of each State within the boundaries of which any part of any such tribe is located, except that this clause shall not apply with respect to funds available for a fiscal year if the Secretary receives less than 5 applications for such fiscal year from such tribes under section 1803(e)(6)(A) or does not approve at least one such application.

''(6) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—For purposes of paragraph (5)(B), additional high-risk qualifying criteria consist of—

''(A) having a significant international land border; or

''(B) adjoining a body of water within North America through which an international boundary line extends.

''(d) EFFECT OF REGIONAL AWARDS ON STATE MINIMUM.—Any regional award, or portion thereof, provided to a State under section 1803(e)(5)(C) shall not be considered in calculating the minimum State award under subsection (c)(5) of this section.

''SEC. 1805. TASK FORCE ON TERRORISM PREPAREDNESS FOR FIRST RESPONDERS.

''(a) ESTABLISHMENT.—To assist the Secretary in updating, revising, or replacing essential capabilities for terrorism preparedness, the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Terrorism Preparedness for First Responders.

''(b) UPDATE, REVISE, OR REPLACE.—The Secretary shall regularly update, revise, or replace the essential capabilities for terrorism preparedness as necessary, but not less than every 3 years.

''(c) REPORT.—

''(1) IN GENERAL.—The Task Force shall submit to the Secretary, by not later than 12 months after its establishment by the Secretary under subsection (a) and not later than every 2 years thereafter, a report on its recommendations for essential capabilities for terrorism preparedness.

''(2) CONTENTS.—Each report shall—

''(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to the Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

''(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

''(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

''(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

''(E) include such revisions to the contents of previous reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

''(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–096(a)).

''(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

''(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent, prepare for, respond to, or recover from terrorist attacks.

''(d) MEMBERSHIP.—

''(1) IN GENERAL.—The Task Force shall consist of 25 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

''(A) members selected from the emergency response field, including fire service and law

enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

''(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

''(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

''(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing one of the two major political parties, an equal number of elected officials shall be selected from each such party.

''(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HEALTH SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate such selection with the Secretary of Health and Human Services.

''(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate one or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

''(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 App. U.S.C.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

''SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

''(a) IN GENERAL.—A covered grant may be used for—

''(1) purchasing or upgrading equipment, including computer software, to enhance terrorism preparedness;

''(2) exercises to strengthen terrorism preparedness;

''(3) training for prevention (including detection) of, preparedness for, response to, or recovery from attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

''(4) developing or updating State homeland security plans, risk assessments, mutual aid agreements, and emergency management plans to enhance terrorism preparedness;

''(5) establishing or enhancing mechanisms for sharing terrorism threat information;

''(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, lifecycle systems design, product and technology evaluation, and prototype development for terrorism preparedness purposes;

''(7) additional personnel costs resulting from—

''(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

''(B) travel to and participation in exercises and training in the use of equipment and on prevention activities; and

''(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities;

''(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

''(9) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

''(A) $1,000,000 per project; or

''(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

''(10) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

''(11) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

''(12) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prevent, prepare for, respond to, mitigate against, or recover from an act of terrorism;

''(13) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

''(14) paying for the conduct of any activity permitted under the Law Enforcement Terrorism Prevention Program, or any such successor to such program; and

''(15) other appropriate activities as determined by the Secretary.

''(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

''(1) to supplant State or local funds;

''(2) to construct buildings or other physical facilities;

''(3) to acquire land; or

''(4) for any State or local government cost sharing contribution.

''(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary.

''(d) REIMBURSEMENT OF COSTS.—(1) In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

''(2) An applicant for a covered grant may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.

''(e) ASSISTANCE REQUIREMENT.—The Secretary may not require that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

''(f) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

''(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

''(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

''(2) COST SHARING.—

''(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a covered grant to a State, region, or directly eligible tribe awarded after the 2-year period beginning on the date of the enactment of this section shall not exceed 75 percent.

''(B) INTERIM RULE.—The Federal share of the costs of an activity carried out with a covered grant awarded before the end of the 2-year period beginning on the date of the enactment of this section shall be 100 percent.

''(C) IN-KIND MATCHING.—Each recipient of a covered grant may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made, including, but not limited to, any necessary personnel overtime, contractor services, administrative costs, equipment fuel and maintenance, and rental space.

''(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

''(4) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—The Federal share described in paragraph (2)(A) may be increased by up to 2 percent for any State, region, or directly eligible tribe that, not later than 30 days after the end of each fiscal quarter, submits to the Secretary a report on that fiscal quarter. Each such report must include, for each recipient of a covered grant or a pass-through under paragraph (1)—

''(A) the amount obligated to that recipient in that quarter;

''(B) the amount expended by that recipient in that quarter; and

''(C) a summary description of the items purchased by such recipient with such amount.

''(5) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each Federal fiscal year. Each recipient of a covered grant that is a region must simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe must simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report must include the following:

''(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

''(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

''(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

''(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

''(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

''(6) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (5) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

''(7) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (5) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office for Domestic Preparedness.

''(h) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

''(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

''(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

''(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

''(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

''(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

''(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

''(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

''(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 1803(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

''(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

''(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

''(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

''(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

''(iii) the local government complies with subparagraphs (B) and (C).

''(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

''(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

''(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

''(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

''(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

''(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

''(i) shall not affect any payment to another local government under this paragraph; and

''(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

''(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

''(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to the Congress by January 31 of each year covering the preceding fiscal year—

''(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

''(2) containing information on the use of such grant funds by grantees; and

''(3) describing—

''(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established by the Secretary as a result of the expenditure of covered grant funds during the preceding fiscal year; and

''(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established by the Secretary.

''SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

''(a) EQUIPMENT STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall, not later than 6 months after the date of the enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 1805(e)(7). Such standards—

''(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

''(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

''(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

''(D) shall cover all appropriate uses of the equipment.

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

''(A) Thermal imaging equipment.

''(B) Radiation detection and analysis equipment.

''(C) Biological detection and analysis equipment.

''(D) Chemical detection and analysis equipment.

''(E) Decontamination and sterilization equipment.

''(F) Personal protective equipment, including garments, boots, gloves, and hoods and other protective clothing.

''(G) Respiratory protection equipment.

''(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

''(I) Explosive mitigation devices and explosive detection and analysis equipment.

''(J) Containment vessels.

''(K) Contaminant-resistant vehicles.

''(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

''(b) TRAINING STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

''(A) enable first responders to prevent, prepare for, respond to, mitigate against, and recover from terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

''(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically

shall include the following categories of first responder activities:

''(A) Regional planning.

''(B) Joint exercises.

''(C) Intelligence collection, analysis, and sharing.

''(D) Emergency notification of affected populations.

''(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

''(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

''(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

''(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

''(1) the National Institute of Standards and Technology;

''(2) the National Fire Protection Association;

''(3) the National Association of County and City Health Officials;

''(4) the Association of State and Territorial Health Officials;

''(5) the American National Standards Institute;

''(6) the National Institute of Justice;

''(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

''(8) the National Public Health Performance Standards Program;

''(9) the National Institute for Occupational Safety and Health;

''(10) ASTM International;

''(11) the International Safety Equipment Association;

''(12) the Emergency Management Accreditation Program; and

''(13) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

''(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.''.

(b) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101(6)) is amended by striking ''includes'' and all that follows and inserting ''includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.''.

SEC. 1114. SUPERSEDED PROVISION.

This chapter supersedes section 1014(c)(3) of Public Law 107–56.

SEC. 1115. OVERSIGHT.

The Secretary of Homeland Security shall establish within the Office for Domestic Preparedness an Office of the Comptroller to oversee the grants distribution process and the financial management of the Office for Domestic Preparedness.

SEC. 1116. GAO REPORT ON AN INVENTORY AND STATUS OF HOMELAND SECURITY FIRST RESPONDER TRAINING.

(a) IN GENERAL.—The Comptroller General of the United States shall report to Congress in accordance with this section—

(1) on the overall inventory and status of first responder training programs of the Department of Homeland Security and other departments and agencies of the Federal Government; and

(2) the extent to which such programs are coordinated.

(b) CONTENTS OF REPORTS.—The reports under this section shall include—

(1) an assessment of the effectiveness of the structure and organization of such training programs;

(2) recommendations to—

(A) improve the coordination, structure, and organization of such training programs; and

(B) increase the availability of training to first responders who are not able to attend centralized training programs;

(3) the structure and organizational effectiveness of such programs for first responders in rural communities;

(4) identification of any duplication or redundancy among such programs;

(5) a description of the use of State and local training institutions, universities, centers, and the National Domestic Preparedness Consortium in designing and providing training;

(6) a cost-benefit analysis of the costs and time required for first responders to participate in training courses at Federal institutions;

(7) an assessment of the approval process for certifying non-Department of Homeland Security training courses that are useful for anti-terrorism purposes as eligible for grants awarded by the Department;

(8) a description of the use of Department of Homeland Security grant funds by States and local governments to acquire training;

(9) an analysis of the feasibility of Federal, State, and local personnel to receive the training that is necessary to adopt the National Response Plan and the National Incident Management System; and

(10) the role of each first responder training institution within the Department of Homeland Security in the design and implementation of terrorism preparedness and related training courses for first responders.

(c) DEADLINES.—The Comptroller General shall—

(1) submit a report under subsection (a)(1) by not later than 60 days after the date of the enactment of this Act; and

(2) submit a report on the remainder of the topics required by this section by not later than 120 days after the date of the enactment of this Act.

SEC. 1117. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DISCOURAGE THE DONATION OF FIRE EQUIPMENT TO VOLUNTEER FIRE COMPANIES.

(a) LIABILITY PROTECTION.—A person who donates fire control or fire rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death caused by the equipment after the donation.

(b) EXCEPTIONS.—Subsection (a) does not apply to a person if—

(1) the person's act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

(2) the person is the manufacturer of the fire control or fire rescue equipment.

(c) PREEMPTION.—This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (b) this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(d) DEFINITIONS.—In this section:

(1) PERSON.—The term ''person'' includes any governmental or other entity.

(2) FIRE CONTROL OR RESCUE EQUIPMENT.—The term ''fire control or fire rescue equipment'' includes any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

(3) STATE.—The term ''State'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

(4) VOLUNTEER FIRE COMPANY.—The term ''volunteer fire company'' means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

(e) EFFECTIVE DATE.—This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after the date of the enactment of this Act.

Subtitle B—Transportation Security

SEC. 1121. REPORT ON NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to completion of a national strategy for transportation security. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in such subsection (e) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1122. REPORT ON AIRLINE PASSENGER PRE-SCREENING.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to improving airline passenger pre-screening. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1123. REPORT ON DETECTION OF EXPLOSIVES AT AIRLINE SCREENING CHECKPOINTS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the improvement of airline screening checkpoints to detect explosives. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1124. REPORT ON COMPREHENSIVE SCREENING PROGRAM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to implementation of a comprehensive screening program. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1125. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term ''relevant congressional committees'' means—

(1) the Committee on Homeland Security of the House of Representatives;

(2) the Committee on Government Reform of the House of Representatives;

(3) the Committee on Transportation and Infrastructure of the House of Representatives;

(4) the Committee on Homeland Security and Government Affairs of the Senate; and

(5) the Committee on Environment and Public Works of the Senate.

Subtitle C—Border Security

SEC. 1131. COUNTERTERRORIST TRAVEL INTELLIGENCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the National Counterterrorism Center shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to improving collection and analysis of intelligence on terrorist travel. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the National Counterterrorism Center is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty of the Director of the National Counterterrorism Center to submit a report under subsection (a) shall terminate when the Secretary submits a certification pursuant to subsection (a)(1). The duty of the Director of National Intelligence to submit a report under subsection (a) shall terminate when the Director submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the National Counterterrorism submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on Transportation and Infrastructure of the House of Representatives.

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

(6) The Select Committee on Intelligence of the Senate.

(7) The Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1132. COMPREHENSIVE SCREENING SYSTEM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Transportation shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the establishment of the comprehensive screening system described in Presidential Homeland Security Directive 11 (dated August 27, 2004). Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty of the Secretary of Homeland Security to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1). The duty of the Secretary of Transportation to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security and the Secretary of Transportation both submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on Transportation and Infrastructure of the House of Representatives.

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

SEC. 1133. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the completion of a biometric entry and exit data system. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on the Judiciary of the Senate.

SEC. 1134. INTERNATIONAL COLLABORATION ON BORDER AND DOCUMENT SECURITY.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of State shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to international collaboration on border and document security. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty of the Secretary of Homeland Security to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1). The duty of the Secretary of State to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security and the Secretary of State both submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) WATCH LIST.—The Comptroller General shall submit to the relevant congressional committees a report assessing the sharing of the consolidated and integrated terrorist watch list maintained by the Federal Government with countries designated to participate in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

(e) FINGERPRINTING IN DOMESTIC AND FOREIGN PASSPORTS.—

(1) USE IN UNITED STATES PASSPORTS.—

(A) IN GENERAL.—Section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185(b)) is amended by inserting after ''passport'' the following: ''that contains the fingerprints of the citizen involved''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to passports issued on or after the date that is 90 days after the date of the enactment of this Act.

(2) USE IN FOREIGN PASSPORTS.—

(A) IN GENERAL.—Section 212(a)(7) of such Act (8 U.S.C. 1182(a)(7)) is amended by adding at the end the following new subparagraph:

''(C) REQUIREMENT FOR FINGERPRINTS ON PASSPORTS.—No passport of an alien shall be considered valid for purposes of subparagraph (A) or (B) unless the passport contains the fingerprints of the alien.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to aliens applying for admission to the United States on or after the date that is 90 days after the date of the enactment of this Act.

(f) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the International Relations of the House of Representatives.

(4) The Committee on the Judiciary of the House of Representatives.

(5) The Committee on Homeland Security and Governmental Affairs of the Senate.

(6) The Committee on the Judiciary of the Senate.

(7) The Committee on Foreign Relations of the Senate.

SEC. 1135. STANDARDIZATION OF SECURE IDENTIFICATION.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Health and Human Services shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the establishment of standardization of secure identification. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of Health and Human Services is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate—

(1) for the Secretary of Homeland Security, when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1); and

(2) for the Secretary of Health and Human Services, when the Secretary of Health and Human Services submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security and the Secretary of Health and Human Services submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Ways and Means of the House of Representatives.

(5) The Committee on Finance of the Senate.

(6) The Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1136. SECURITY ENHANCEMENTS FOR SOCIAL SECURITY CARDS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Commissioner of Social Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to security enhancements for social security cards and the implementation of section 205(c)(2)(C)(iv)(II) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(iv)(II)) (as added by section 7214 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)). Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Commissioner of Social Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Commissioner considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Commissioner of Social Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Commissioner of Social Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Ways and Means of the House of Representatives.

(5) The Committee on Finance of the Senate.

(6) The Committee on Homeland Security and Governmental Affairs of the Senate.

Subtitle D—Homeland Security Appropriations

SEC. 1141. HOMELAND SECURITY APPROPRIATIONS.

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, namely:

CUSTOMS AND BORDER PROTECTION.

For an additional amount for ''Salaries and Expenses'', $571,000,000 for necessary expenses for border security, including for air asset replacement and air operations facilities upgrade, the acquisition, lease, maintenance, and operation of vehicles. construction, and radiation portal monitors.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES.

For an additional amount for citizenship and immigration services, $87,000,000 for necessary expenses, including for business transformation and fraud detection.

TRANSPORTATION SECURITY ADMINISTRATION.

For an additional amount for ''Aviation Security'', $305,000,000 for necessary expenses, of which—

(1) $250,000,000 shall be made available for aviation security, including the procurement of explosives monitoring equipment; and

(2) $55,000,000 shall be made available for air cargo security, including cargo canine teams and inspectors.

UNITED STATES COAST GUARD.

For an additional amount for ''Acquisition, Construction, and Improvements'', $184,000,000 for necessary expenses for the Integrated Deepwater Systems Program for the purchase of ships, planes, and helicopters.

For an additional amount for ''Operating Expenses'', $23,000,000 for necessary expenses for additional inspectors at foreign and domestic ports.

OFFICE FOR DOMESTIC PREPAREDNESS.

For an additional amount for ''State and Local Programs'', $2,880,000,000 for necessary expenses, of which—

(1) $790,000,000 shall be made available for first responder grants;

(2) $500,000,000 shall be made available for interoperability grants;

(3) $100,000,000 shall be made available for chemical security grants;

(4) $1,200,000,000 shall be made available for rail security grants;

(5) $190,000,000 shall be made available for port security grants; and

(6) $100,000,000 shall be made available for emergency management performance grants.

FEDERAL EMERGENCY MANAGEMENT AGENCY.

For an additional amount for ''Readiness, Mitigation, Response, and Recovery'', $50,000,000 for necessary expenses.

For an additional amount for ''National Pre-Disaster Mitigation Fund'', $100,000,000 for necessary expenses.

TITLE XII—REFORMING THE INSTITUTIONS OF GOVERNMENT

Subtitle A—Intelligence Community

SEC. 1201. REPORT ON DIRECTOR OF NATIONAL INTELLIGENCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the Director of National Intelligence. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON DNI EXERCISE OF AUTHORITY.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether—

(A) the Director of National Intelligence has been able to properly exercise the authority of the Office of the Director of National Intelligence, including budget and personnel authority; and

(B) information sharing among the intelligence community is a high priority.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the Director of National Intelligence have been achieved.

SEC. 1202. REPORT ON NATIONAL COUNTERTERRORISM CENTER.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the establishment of a National Counterterrorism Center. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General

shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1203. REPORT ON CREATION OF A FEDERAL BUREAU OF INVESTIGATION NATIONAL SECURITY WORKFORCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Federal Bureau of Investigation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the creation of a Federal Bureau of Investigation national security workforce. Such report shall include—

(1) a certification by the Director of the Federal Bureau of Investigation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Federal Bureau of Investigation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Federal Bureau of Investigation expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director of the Federal Bureau of Investigation considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Federal Bureau of Investigation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Federal Bureau of Investigation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON CREATION OF FBI NATIONAL SECURITY WORKFORCE.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether—

(A) there is a sense of urgency within the Federal Bureau of Investigation to create a national security workforce to carry out the domestic counterterrorism mission of the Federal Bureau of Investigation;

(B) the Federal Bureau of Investigation is on track to create such a workforce; and

(C) the culture of the Federal Bureau of Investigation allows the Federal Bureau of Investigation to meet its new challenges and succeed in its counterterrorism role.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the creation of a Federal Bureau of Investigation national security workforce have been achieved.

SEC. 1204. REPORT ON NEW MISSIONS FOR THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the new mission of the Director of the Central Intelligence Agency. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether the Director of the Central Intelligence Agency has strong, determined leadership committed to accelerating the pace of the reforms underway.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the Director of the Central Intelligence Agency have been achieved.

(e) SENSE OF CONGRESS.—It is the sense of Congress that Congress and the leadership of the Central Intelligence Agency should—

(1) regularly evaluate the effectiveness of the national clandestine service structure to determine if it improves coordination of human intelligence collection operations and produces better intelligence results; and

(2) address morale and personnel issues at the Central Intelligence Agency to ensure the Central Intelligence Agency remains an effective arm of national power.

SEC. 1205. REPORT ON INCENTIVES FOR INFORMATION SHARING.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Management and Budget, in consultation with the Director of National Intelligence and the Program Manager for the Information Sharing Environment, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the provision of affirmative incentives for information sharing, and for reducing disincentives to information sharing, across the Federal Government and with State and local authorities. Such report shall include—

(1) a certification by the Director of the Office of Management and Budget that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Management and Budget is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence and the Program Manager for the Information Sharing Environment expect such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1206. REPORT ON PRESIDENTIAL LEADERSHIP OF NATIONAL SECURITY INSTITUTIONS IN THE INFORMATION REVOLUTION.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Management and Budget, in consultation with the Director of National Intelligence and the Program Manager for the Information Sharing Environment, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the leadership of the President of national security institutions into the information revolution. Such report shall include—

(1) a certification by the Director of the Office of Management and Budget that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Management and Budget is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Office of Management and Budget expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON INFORMATION SYSTEMS.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether the departments and agencies of the Federal Government have the resources and Presidential support to change information systems to enable information sharing, policies and procedures that compel sharing, and systems of performance evaluation to inform personnel on how well they carry out information sharing.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the leadership of the President of national security institutions into the information revolution have been achieved.

SEC. 1207. HOMELAND AIRSPACE DEFENSE.

(a) CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Defense shall each submit to the specified congressional committees a certification as to whether the Federal Government has implemented the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) and the recommendations of the National Commission on Terrorist Attacks Upon the United States regarding homeland and airspace defense. Each Secretary shall include with such certification recommendations if further congressional action is necessary. If a Secretary is unable to certify the goal in the first sentence, the Secretary shall report to the specified committees what steps have been taken towards implementation, when implementation can reasonably be expected to be completed, and whether additional resources or actions from the Congress are required for implementation.

(b) COMPTROLLER GENERAL REPORT.—Within 30 days of the submission of both certifications under subsection (a), the Comptroller General of the United States shall submit to the specified congressional committees a report verifying that the policy referred to in that subsection has in fact been implemented and recommendations of any additional congressional action necessary to implement the goals referred to in that subsection.

(c) SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''specified congressional committees'' means—

(1) the Committee on Homeland Security, the Committee on Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) the Committee of Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate.

SEC. 1208. SEMIANNUAL REPORT ON PLANS AND STRATEGIES OF UNITED STATES NORTHERN COMMAND FOR DEFENSE OF THE UNITED STATES HOMELAND.

(a) FINDINGS.—Consistent with the report of the 9/11 Commission, Congress makes the following findings:

(1) The primary responsibility for national defense is with the Department of Defense and the secondary responsibility for national defense is with the Department of Homeland Security, and the two departments must have clear delineations of responsibility.

(2) Before September 11, 2001, the North American Aerospace Defense Command, which had responsibility for defending United States airspace on September 11, 2001—

(A) focused on threats coming from outside the borders of the United States; and

(B) had not increased its focus on terrorism within the United States, even though the intelligence community had gathered intelligence on the possibility that terrorists might turn to hijacking and even the use of airplanes as missiles within the United States.

(3) The United States Northern Command has been established to assume responsibility for defense within the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense should regularly assess the adequacy of the plans and strategies of the United States Northern Command with a view to ensuring that the United States Northern Command is prepared to respond effectively to all military and paramilitary threats within the United States; and

(2) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives should periodically review and assess the adequacy of those plans and strategies.

(c) SEMIANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the plans and strategies of the United States Northern Command to defend the United States against military and paramilitary threats within the United States.

SEC. 1209. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform, of the House of Representatives.

(3) The Permanent Select Committee on Intelligence of the House of Representatives.

(4) The Committee on Homeland Security and Government Affairs of the Senate.

(5) The Select Committee on Intelligence of the Senate.

Subtitle B—Civil Liberties and Executive Power

SEC. 1211. REPORT ON THE BALANCE BETWEEN SECURITY AND CIVIL LIBERTIES.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the balance between security and civil liberties. Such report shall include—

(1) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Attorney General is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Attorney General submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Attorney General submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 1212. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) SHORT TITLE.—This section may be cited as the ''9/11 Commission Civil Liberties Board Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) On July 22, 2004 the National Commission on Terrorist Attacks Upon the United States issued a report that included 41 specific recommendations to help prevent future terrorist attacks, including details of a global strategy and government reorganization necessary to implement that strategy.

(2) One of the recommendations focused on the protections of civil liberties. Specifically the following recommendation was made: ''At this time of increased and consolidated government authority, there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties.''.

(3) The report also states that ''the choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. Our History has shown that the insecurity threatens liberty at home. Yet if our liberties are curtailed, we lose the values that we are struggling to defend.''.

(4) On December 17, 2004, Public Law 108–458, the National Intelligence Reform Act, was signed into law. This law created a civil liberties board that does not have the authority necessary to protect civil liberties.

(5) The establishment and adequate funding of a Privacy and Civil Liberties Oversight Board was a crucial recommendation made by the 9/11 Commission.

(6) In its Final Report on 9/11 Commission Recommendations, the Commission noted ''very little urgency'' and ''insufficient'' funding as it relates to the establishment of the Privacy and Civil Liberties Oversight Board.

(7) While the President's budget submission for fiscal year 2006 included $750,000 for the Privacy and Civil Liberties Oversight Board, the President's budget submission for fiscal year 2007 does not contain a funding line for the Board.

(c) MAKING THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD INDEPENDENT.—Section 1061(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by striking ''within the Executive Office of the President'' and inserting ''as an independent agency within the Executive branch''.

(d) REQUIRING ALL MEMBERS OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD BE CONFIRMED BY THE SENATE.—Subsection (e) of section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

''(e) MEMBERSHIP.—

''(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party. The President shall, before appointing an individual who is not a member of the same political party as the President consult with the leadership of that party, if any, in the Senate and House of Representatives.

''(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

''(4) TERM.—Each member of the Board shall serve a term of six years, except that—

''(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

''(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

''(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

''(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

''(C) the members initially appointed under this subsection shall serve terms of two, three, four, five, and six years, respectively, from the effective date of this Act, with the term of each such member to be designated by the President.

''(5) QUORUM AND MEETINGS.—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.''.

(e) SUBPOENA POWER FOR THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Section 1061(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended—

(1) so that subparagraph (D) of paragraph (1) reads as follows:

''(D) require, by subpoena issued at the direction of a majority of the members of the Board, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.''; and

(2) so that paragraph (2) reads as follows:

''(2) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.''.

(f) REPORTING REQUIREMENTS.—

(1) DUTIES OF BOARD.—Paragraph (4) of section 1061(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

''(4) REPORTS.—

''(A) RECEIPT, REVIEW, AND SUBMISSION.—

''(i) IN GENERAL.—The Board shall—

''(I) receive and review reports from privacy officers and civil liberties officers described in section 212; and

''(II) periodically submit, not less than semiannually, reports to the appropriate committees of Congress, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, and to the President.

Such reports shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(ii) CONTENTS.—Not less than 2 reports the Board submits each year under clause (i)(II) shall include—

''(I) a description of the major activities of the Board during the preceding period;

''(II) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c);

''(III) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c); and

''(IV) each proposal reviewed by the Board under subsection (c)(1) that the Board advised against implementing, but that notwithstanding such advice, was implemented.

''(B) INFORMING THE PUBLIC.—The Board shall—

''(i) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(ii) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.''.

(2) PRIVACY AND CIVIL LIBERTIES OFFICERS.—Section 1062 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

''SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

''(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the National Intelligence Director, the Director of the Central Intelligence Agency, any other entity within the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

''(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

''(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

''(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

''(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

''(A) that the power actually enhances security and the need for the power is balanced with the need to protect privacy and civil liberties;

''(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

''(C) that there are adequate guidelines and oversight to properly confine its use.

''(b) EXCEPTION TO DESIGNATION AUTHORITY.—

''(1) PRIVACY OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

''(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

''(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

''(1) report directly to the head of the department, agency, or element concerned; and

''(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

''(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

''(1) has the information, material, and resources necessary to fulfill the functions of such officer;

''(2) is advised of proposed policy changes;

''(3) is consulted by decisionmakers; and

''(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

''(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(f) PERIODIC REPORTS.—

''(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but

not less than quarterly, submit a report on the activities of such officers—

''(A)(i) to the appropriate committees of Congress, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

''(ii) to the head of such department, agency, or element; and

''(iii) to the Privacy and Civil Liberties Oversight Board; and

''(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

''(A) information on the number and types of reviews undertaken;

''(B) the type of advice provided and the response given to such advice;

''(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

''(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

''(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

''(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

''(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.

''(i) PROTECTIONS FOR HUMAN RESEARCH SUBJECTS.—The Secretary of Homeland Security shall ensure that the Department of Homeland Security complies with the protections for human research subjects, as described in part 46 of title 45, Code of Federal Regulations, or in equivalent regulations as promulgated by such Secretary, with respect to research that is conducted or supported by such Department.''.

(g) INCLUSION IN PRESIDENT'S BUDGET SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

''(36) a separate statement of the amount of appropriations requested for the Privacy and Civil Liberties Oversight Board.''.

(h) REPORT; CERTIFICATION.—

(1) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the extent to which the Administration has achieved and implemented the policy goals of Public Law 108–458 and the recommendations of the 9/11 Commission regarding the implementation of the Privacy and Civil Liberties Oversight Board. Such report shall include—

(A) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(B) if the Attorney General is unable to make the certification described in subparagraph (A), a description of—

(i) the steps taken to implement such recommendations and achieve such policy goals;

(ii) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(iii) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(2) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under paragraph (1) shall terminate when the Attorney General submits a certification pursuant to paragraph (1)(A).

(3) GAO REVIEW OF CERTIFICATION.—If the Attorney General submits a certification pursuant to paragraph (1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in paragraph (1) have been implemented and whether the policy goals described in paragraph (1) have been achieved.

SEC. 1213. SET PRIVACY GUIDELINES FOR GOVERNMENT SHARING OF PERSONAL INFORMATION.

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the extent to which the Administration has achieved and implemented the policy goals of Public Law 108–458 and the recommendations of the 9/11 Commission regarding the privacy guidelines for government sharing of personal information. Such report shall include—

(1) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Attorney General is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Attorney General submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Attorney General submits a certification pursuant to subsection (a), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in paragraph (1) have been implemented and whether the policy goals described in subsection (A) have been achieved.

SEC. 1214. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term ''relevant congressional committees'' means the Committee on Homeland Security of the House of Representatives, the Committee on Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committees on the Judiciary of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle C—Intelligence Oversight Reform in the Senate

SEC. 1231. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) ESTABLISHMENT.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) RESPONSIBILITY.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 1232. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) ESTABLISHMENT.—There is established in the Committee on Appropriations a Subcommittee on Intelligence.

(b) JURISDICTION.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters.

SEC. 1233. EFFECTIVE DATE.

This subtitle shall take effect on the convening of the 110th Congress.

Subtitle D—Standardize Security Clearances

SEC. 1241. STANDARDIZATION OF SECURITY CLEARANCES.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Personnel Management, in consultation with the Director of National Intelligence, the Secretary of Defense, and the Secretary of Homeland Security, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to security clearances, including with respect to uniform policies and procedures for the completion of security clearances and reciprocal recognition of such security clearances among agencies of the United States Government. Such report shall include—

(1) a certification by the Director of the Office of Personnel Management that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Personnel Management is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Office of Personnel Management expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Personnel Management submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Office of Personnel Management submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

TITLE XIII—FOREIGN POLICY, PUBLIC DIPLOMACY, AND NONPROLIFERATION

Subtitle A—Foreign Policy

SEC. 1301. ACTIONS TO ENSURE A LONG-TERM COMMITMENT TO AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Government of the United States—

(1) should give priority to providing assistance to Afghanistan to establish a substantial economic infrastructure and a sound economy; and

(2) should continue to provide economic and development assistance to Afghanistan, including assistance to the Afghan National Army and the police forces and border police of Afghanistan.

(b) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 305 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7555) (as added by section 7104(e)(4)(A) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)) for ensuring a long-term commitment to Afghanistan. Such report shall include—

(1) a certification by the President that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the President is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the President expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the President considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (b) shall terminate when the President submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the President submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) has been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1302. ACTIONS TO SUPPORT PAKISTAN AGAINST EXTREMISTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the commitment of the President to provide $3,000,000,000 in assistance over the next five years to Pakistan should be commended;

(2) the Government of the United States should provide assistance to Pakistan to improve Pakistan's failing basic education system and to emphasize development;

(3) the Government of the United States should strongly urge the Government of Pakistan to close Taliban-linked schools known as ''madrassas'', close terrorist training camps, and prevent Taliban forces from operating across the border between Pakistan and Afghanistan; and

(4) the Government of the United States and the Government of Pakistan must redouble their efforts to kill or capture Osama bin Laden and other high-ranking al Qaeda suspects that may be hiding in or around Pakistan.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on efforts by the Government of Pakistan take the actions described in subsection (a)(3).

SEC. 1303. ACTIONS TO SUPPORT REFORM IN SAUDI ARABIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of the United States and the Government of Saudi Arabia should accelerate efforts to improve strategic dialogue between the two countries, increase exchange programs, and promote pragmatic reforms in Saudi Arabia; and

(2) the Government of Saudi Arabia should take additional steps to regulate charities and promote tolerance and moderation.

(b) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7105 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for improving dialogue between the people and Government of the United States and the people and Government of Saudi Arabia in order to improve the relationship between the two countries. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (b) shall terminate when the Secretary of State submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) have been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1304. ELIMINATION OF TERRORIST SANCTUARIES.

(a) NATIONAL COUNTERTERRORISM CENTER IDENTIFICATION OF TERRORIST SANCTUARIES.—Subsection (d) of section 119 of National Security Act of 1947 (50 U.S.C. 404o) is amended by adding at the end the following new paragraph:

''(7) To identify each country whose territory is being used as a sanctuary for terrorists or terrorist organizations and each country whose territory may potentially be used as a sanctuary for terrorists or terrorist organizations and to develop a comprehensive strategy to eliminate terrorist sanctuaries.''.

(b) REPORT.—Such section is further amended by adding at the end the following new subsection:

''(k) REPORT ON TERRORIST SANCTUARIES.—Not later than 90 days after the date of the enactment of this subsection, and annually thereafter, the Director of the National Counterterrorism Center shall submit to the Committee on International Relations, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on Government Reform of the House of Representatives and the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on terrorist sanctuaries, including a description of the—

''(1) countries whose territory is being used as a sanctuary for terrorists or terrorist organizations;

''(2) countries whose territory may potentially be used as a sanctuary for terrorists or terrorist organizations;

''(3) strategy to eliminate each such sanctuary; and

''(4) progress that has been made in accomplishing such strategy.''.

SEC. 1305. COMPREHENSIVE COALITION STRATEGY AGAINST ISLAMIST TERRORISM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States—

(1) should continue to engage other countries in developing a comprehensive coalition strategy against Islamist terrorism; and

(2) should use a broader approach to target the roots of terrorism, including developing strategies with other countries to encourage reform efforts in Saudi Arabia and Pakistan, improving educational and economic opportunities in Muslim countries, identifying and eliminating terrorist sanctuaries, and making progress in the Arab-Israeli peace process.

(b) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7117 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for engaging other countries in developing a comprehensive coalition strategy for combating terrorism. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State

considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (b) shall terminate when the Secretary of State submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) have been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1306. STANDARDS FOR THE DETENTION AND HUMANE TREATMENT OF CAPTURED TERRORISTS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State, in consultation with the Attorney General, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission for engaging United States allies to develop a common coalition approach toward the detention and humane treatment of captured terrorists and the policy goals of sections 1002, 1003, and 1005 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148). Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations, the Committee on Armed Services, and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1307. USE OF ECONOMIC POLICIES TO COMBAT TERRORISM.

(a) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State, in consultation with the United States Trade Representative, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7115 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for developing economic policies to combat terrorism. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved, including a description of the extent to which the policy goals of paragraphs (1) through (4) of section 7115(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1308. ACTIONS TO ENSURE VIGOROUS EFFORTS AGAINST TERRORIST FINANCING.

(a) FINDINGS.—Congress makes the following findings:

(1) Financial institutions have too little information about money laundering and terrorist financing compliance in other markets.

(2) The current Financial Action Task Force designation system does not adequately represent the progress countries are making in combatting money laundering.

(3) Lack of information about the compliance of countries with anti-money laundering standards exposes United States financial markets to excessive risk.

(4) Failure to designate countries that fail to make progress in combatting terrorist financing and money laundering eliminates incentives for internal reform.

(5) The Secretary of the Treasury has an affirmative duty to provide to financial institutions and examiners the best possible information on compliance with anti-money laundering and terrorist financing initiatives in other markets.

(b) REPORT.—Not later than March 1 each year, the Secretary of the Treasury shall submit to the relevant congressional committees a report that identifies the applicable standards of each country against money laundering and states whether that country is a country of primary money laundering concern under section 5318A of title 31, United States Code. The report shall include—

(1) information on the effectiveness of each country in meeting its standards against money laundering;

(2) a determination of whether that the efforts of that country to combat money laundering and terrorist financing are adequate, improving, or inadequate; and

(3) the efforts made by the Secretary to provide to the government of each such country of concern technical assistance to cease the activities that were the basis for the determination that the country was of primary money laundering concern.

(c) DISSEMINATION OF INFORMATION IN REPORT.—The Secretary of the Treasury shall make available to the Federal Financial Institutions Examination Council for incorporation into the examination process, in consultation with Federal banking agencies, and to financial institutions the information contained in the report submitted under subsection (b). Such information shall be made available to financial institutions without cost.

(d) DEFINITIONS.—In this section:

(1) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that term in section 5312(a)(2) of title 31, United States Code.

(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term ''relevant congressional committees'' means—

(A) the Committee on Financial Services, the Committee on Government Reform, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Banking, Housing, and Urban Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

Subtitle B—Public Diplomacy

SEC. 1311. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE AND PUBLIC DIPLOMACY TRAINING OF MEMBERS OF THE FOREIGN SERVICE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of sections 7109 and 7110 the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), and the amendments made by such sections, regarding the public diplomacy responsibilities of the Department of State and public diplomacy training of members of the Foreign Service. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State

considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1312. INTERNATIONAL BROADCASTING.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the relevant congressional committees a report on—

(1) the activities of Radio Sawa and Radio Al-Hurra; and

(2) the extent to which the activities of Radio Sawa and Radio Al-Hurra have been successful, including an analysis of impact of the activities on the audience and audience demographics and whether or not funding is adequate to carry out the activities.

(b) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1313. EXPANSION OF UNITED STATES SCHOLARSHIP, EXCHANGE, AND LIBRARY PROGRAMS IN THE ISLAMIC WORLD.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of sections 7112 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for expanding United States scholarship, exchange, and library programs in the Islamic world. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1314. INTERNATIONAL YOUTH OPPORTUNITY FUND.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Middle East Partnership Initiative (MEPI) and the United States Agency for International Development should be commended for initiating programs in predominantly Muslim countries to support secular education improvements and the teaching of English, including programs that focus on the education of women;

(2) the secular education programs of MEPI and the United States Agency for International Development are a constructive start to answering the challenge of secular education in predominantly Muslim countries;

(3) the secular education programs of MEPI and the United States Agency for International Development should be components of an overall strategy for educational assistance—itself one component of an overall United States strategy for counterterrorism—targeted where the need and the benefit to the national security of the United States are greatest; and

(4) upon formation of a broader strategy for international educational assistance targeted toward the Middle East, a significant increase in funding for these initiatives should be provided.

(b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—There are authorized to be appropriated to the Secretary of State $50,000,000 for each of fiscal years 2007 and 2008 to support the establishment of an International Youth Opportunity Fund pursuant to section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

Subtitle C—Nonproliferation

SEC. 1321. SHORT TITLE.

This subtitle may be cited as the ''Omnibus Nonproliferation and Anti-Nuclear Terrorism Act of 2006''.

SEC. 1322. FINDINGS.

Congress makes the following findings:

(1) LOOSE NUCLEAR WEAPONS AND MATERIALS IN THE FORMER SOVIET UNION.—

(A) There are in the world today enormous stockpiles of nuclear weapons and the materials required to make them. Counting materials both in assembled warheads and in other forms, worldwide totals are estimated to encompass some 1,900 tons of highly enriched uranium (enough for 143,000 nuclear weapons) and 1,855 tons of plutonium (enough for 330,000 nuclear weapons).

(B) The Russian Federation alone is estimated to have over 1,000 tons of highly enriched uranium (enough for over 80,000 nuclear weapons) and 140 tons of plutonium (enough for over 30,000 nuclear weapons).

(C) The United States has been working for over a decade to eliminate stockpiles of loose nuclear weapons and materials in the former Soviet Union, but the Department of Energy acknowledges that there is still a need to properly secure about 460 tons of weapons-usable Russian nuclear material (outside of warheads), enough for more than 35,000 nuclear weapons.

(D) A recent report by the Central Intelligence Agency faulted the security of nuclear arsenal facilities in the Russian Federation and assessed that ''undetected smuggling has occurred.''

(E) There are at least 18 documented incidents of ''proliferation significant'' fissile material trafficking from facilities in the former Soviet Union between 1991 and 2001. In one incident in 1998, an inside conspiracy at a Russian nuclear weapons facility attempted to steal 18.5 kilograms of highly enriched uranium. In another incident, 2 kilograms of highly enriched uranium taken from a research facility in Sukhumi, Georgia, has never been recovered.

(F) In May 1994, German police found a small but worrisome quantity of supergrade plutonium in the garage of Adolf Jackle. Extremely expensive to produce, this rare item was likely stolen from one of Russia's two premier nuclear weapons laboratories.

(G) Comprehensive security upgrades are not yet completed at 90 percent of Russian nuclear warhead bunkers for Russia's Strategic Rocket Forces.

(H) Border security in the former Soviet Union is inconsistent at best. Existing infrastructure helps at the outer borders of the former Soviet Union but many borders internal to the former Soviet Union, such as the border between Kazakhstan and the Russian Federation, exist only on a map.

(2) LOOSE NUCLEAR MATERIALS AROUND THE GLOBE.—

(A) Dangerous caches of weapons-usable nuclear materials, much of it poorly secured and vulnerable to theft, exist in a multitude of facilities around the world. For example, there are over 130 research reactors in over 40 countries that house highly enriched uranium, some with enough to manufacture an atomic bomb. In total, about 40 tons of highly enriched uranium, enough for over 1,000 nuclear weapons, is estimated to remain in civilian research reactors.

(B) Over the last 50 years, the United States is known to have exported about 27.5 tons of highly enriched uranium to 43 countries to help develop nuclear power production or bolster scientific initiatives. In 1996, the United States began an effort to recover the more than 17.5 tons of the nuclear material that was still overseas, but has recovered only about 1 ton, according to the Department of Energy and the Government Accountability Office.

(C) It is especially important to keep highly enriched uranium out of terrorists' hands because, with minimal expertise, they could use it to make the simplest, gun-type nuclear weapon—a device in which a high explosive is used to blow one subcritical piece of highly enriched uranium from one end of a tube into another subcritical piece held at the opposite end of the tube.

(D) To Osama bin Laden, acquiring weapons of mass destruction is a ''religious duty''. Al Qaeda and more than two dozen other terrorist groups are pursuing capability to use weapons of mass destruction.

(E) Osama bin Laden's press spokesman, Sulaiman Abu Ghaith, has announced that the group aspires ''to kill 4 million Americans, including 1 million children,'' in response to casualties supposedly inflicted on Muslims by the United States and Israel.

(F) Al Qaeda documents recovered in Afghanistan reveal a determined research effort focused on nuclear weapons.

(3) SECURITY STANDARDS FOR ALL NUCLEAR WEAPONS AND MATERIALS.—

(A) There are no international binding standards for the secure handling and storage of nuclear weapons and materials.

(B) Making a nuclear weapon requires only 4 to 5 kilograms of plutonium or 12 to 15 kilograms of highly enriched uranium.

(C) In October 2001, the United States Government became very concerned that Al Qaeda may have smuggled a 10-kiloton Russian nuclear warhead into New York City. If placed in lower Manhattan, such a device would probably kill 100,000 people instantly, seriously injure tens of thousands more, and render the entire area uninhabitable for decades to come.

(4) RUSSIA'S NUCLEAR EXPERTISE.—

(A) Employment at the large nuclear facilities in the Russian Federation's 10 closed nuclear cities is estimated to be in the range of 120,000 to 130,000 people, of whom approximately 75,000 were employed on nuclear weapons-related work.

(B) Poor wages and living conditions in Russian ''nuclear cities'' have inspired protests and strikes among the employees working in them.

(C) Insiders have been caught attempting to smuggle nuclear materials out of these facilities, presumably to sell on the lucrative black market.

SEC. 1323. ESTABLISHMENT OF OFFICE OF NONPROLIFERATION PROGRAMS IN THE EXECUTIVE OFFICE OF THE PRESIDENT.

(a) ESTABLISHMENT.—There is established in the Executive Office of the President an Office of Nonproliferation Programs (in this section referred to as the ''Office'').

(b) DIRECTOR; ASSOCIATE DIRECTORS.—There shall be at the head of the Office a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The President is authorized to appoint not more than four Associate Directors, by and with the advice and consent of the Senate, who shall be compensated at a rate not to exceed that provided for level III of the Executive Schedule in section 5314 of such title. Associate Directors shall perform such functions as the Director may prescribe.

(c) PRIMARY FUNCTIONS OF DIRECTOR.—

(1) IN GENERAL.—The primary function of the Director is to coordinate and lead—

(A) efforts by the United States to curb terrorist access to nuclear technology, materials, or expertise; and

(B) other United States nonproliferation activities, including nuclear nonproliferation activities and activities to counter other weapons of mass destruction.

(2) SPECIFIC FUNCTIONS.—In addition to such other functions and activities as the President may assign, the Director shall—

(A) advise the President, and others within the Executive Office of the President, on the role and effect of such nonproliferation activities on national security and international relations;

(B) lead the development and implementation of a plan (including appropriate budgets, other resources, goals, and metrics for assessing progress) to ensure that all the highest-priority actions to prevent terrorists from getting and using nuclear weapons are taken in the shortest possible time, including but not limited to a fast-paced global effort to ensure that every nuclear warhead and every kilogram of weapons-usable nuclear material worldwide is secured and accounted for, to standards sufficient to defeat demonstrated terrorist and criminal threats, as rapidly as that objective can be accomplished;

(C) identify obstacles to accelerating and strengthening efforts to prevent terrorists from getting and using nuclear weapons, and raise approaches to overcoming these obstacles for action by the President or other appropriate officials;

(D) lead an effort, to be carried out jointly by the various Federal agencies responsible for carrying out such nonproliferation activities, to establish priorities among those activities and to develop and implement strategies and budgets that reflect those priorities;

(E) build strong partnerships with respect to such nonproliferation activities among Federal, State, and local governments, foreign governments, international organizations, and nongovernmental organizations; and

(F) evaluate the scale, quality, and effectiveness of the Federal effort with respect to such nonproliferation activities and advise on appropriate actions.

SEC. 1324. REMOVAL OF RESTRICTIONS ON COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) REPEAL OF RESTRICTIONS.—

(1) RESTRICTIONS ON ASSISTANCE IN DESTROYING FORMER SOVIET WEAPONS.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (22 U.S.C. 2551 note) is repealed.

(2) RESTRICTIONS ON AUTHORITY TO CARRY OUT CTR PROGRAMS.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (22 U.S.C. 5952 note) is repealed.

(b) EXEMPTION FROM LIMITATIONS.—Cooperative Threat Reduction programs may be carried out notwithstanding any other provision of law, subject to congressional notification and reporting requirements that apply to the use of funds available for Cooperative Threat Reduction programs or the carrying out of projects or activities under such programs.

(c) INAPPLICABILITY OF OTHER RESTRICTIONS.—Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

SEC. 1325. REMOVAL OF RESTRICTIONS ON DEPARTMENT OF ENERGY NONPROLIFERATION PROGRAMS.

Section 4301 of the Atomic Energy Defense Act (50 U.S.C. 2561) is repealed.

SEC. 1326. MODIFICATIONS OF AUTHORITY TO USE COOPERATIVE THREAT REDUCTION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C. 5963) is amended—

(1) by striking ''President'' each place it appears and inserting ''Secretary of Defense'';

(2) in subsection (a), by striking ''each of the following'' and all that follows through the period at the end and inserting the following: ''that such project or activity will—

''(1) assist the United States in the resolution of a critical emerging proliferation threat; or

''(2) permit the United States to take advantage of opportunities to achieve longstanding nonproliferation goals.'';

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

SEC. 1327. MODIFICATIONS OF AUTHORITY TO USE INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 3124 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1747) is amended—

(1) by striking ''President'' each place it appears and inserting ''Secretary of Energy'';

(2) in subsection (a), by striking ''each of the following'' and all that follows through the period at the end and inserting the following: ''that such project or activity will—

''(1) assist the United States in the resolution of a critical emerging proliferation threat; or

''(2) permit the United States to take advantage of opportunities to achieve longstanding nonproliferation goals.'';

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

SEC. 1328. SPECIAL REPORTS ON ADHERENCE TO ARMS CONTROL AGREEMENTS AND NONPROLIFERATION COMMITMENTS.

(a) REPORTS REQUIRED.—At least annually, the Secretary of State shall submit to the appropriate congressional committees a report on each country in which a Cooperative Threat Reduction program is being carried out. The report shall describe that country's commitments to—

(1) making substantial national investments in infrastructure to secure, safeguard, and destroy weapons of mass destruction;

(2) forgoing any military modernization exceeding legitimate defense requirements, including replacement of weapons of mass destruction;

(3) forgoing any use of fissionable materials or any other components of deactivated nuclear weapons in a new nuclear weapons program;

(4) complying with all relevant arms control agreements;

(5) adopting and enforcing national and international export controls over munitions and dual-use items; and

(6) facilitating the verification by the United States and international community of that country's compliance with such commitments.

(b) FORM.—The report required under subsection (a) may be submitted with the report required under section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a).

SEC. 1329. PRESIDENTIAL REPORT ON IMPEDIMENTS TO CERTAIN NONPROLIFERATION ACTIVITIES.

Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report identifying impediments (including liability concerns, taxation issues, access rights, and other impediments) to—

(1) the ongoing renegotiation of the umbrella agreement relating to Cooperative Threat Reduction; and

(2) the ongoing negotiations for the implementation of the Plutonium Disposition Program, the Nuclear Cities Initiative, and other defense nuclear nonproliferation programs.

SEC. 1330. ENHANCEMENT OF GLOBAL THREAT REDUCTION INITIATIVE.

Section 3132 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2166; 50 U.S.C. 2569) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking ''PROGRAM AUTHORIZED'' and inserting ''PROGRAM REQUIRED''; and

(B) by striking ''The Secretary of Energy may'' and inserting ''The President, acting through the Secretary of Energy, shall''; and

(2) in subsection (c)(1), by adding at the end the following new subparagraph:

''(N) Take such other actions as may be necessary to effectively implement the Global Threat Reduction Initiative.''.

SEC. 1331. EXPANSION OF PROLIFERATION SECURITY INITIATIVE.

(a) SENSE OF CONGRESS RELATING TO PROLIFERATION SECURITY INITIATIVE.—It is the sense of Congress that—

(1) the President should strive to expand and strengthen the Proliferation Security Initiative announced by the President on May 31, 2003, placing particular emphasis on including countries outside of NATO; and

(2) the United States should engage the United Nations to develop a Security Council Resolution to authorize the Proliferation Security Initiative under international law, including by providing legal authority to stop shipments of weapons of mass destruction, their delivery systems, and related materials.

(b) AUTHORIZATION OF APPROPRIATIONS RELATING TO PROLIFERATION SECURITY INITIATIVE.—There are authorized to be appropriated for fiscal year 2007, $50,000,000 to conduct joint training exercises regarding interdiction of weapons of mass destruction under the Proliferation Security Initiative. Particular emphasis should be given to allocating funds from such amount—

(1) to invite other countries that do not participate in the Proliferation Security Initiative to observe the joint training exercises; and

(2) to conduct training exercises with countries that openly join the Proliferation Security Initiative after the date of the enactment of this Act.

SEC. 1332. SENSE OF CONGRESS RELATING TO INTERNATIONAL SECURITY STANDARDS FOR NUCLEAR WEAPONS AND MATERIALS.

It is the sense of Congress that the President should seek to devise and implement standards to improve the security of nuclear weapons and materials by—

(1) establishing with other willing nations a set of performance-based standards for the security of nuclear weapons and weapons;

(2) negotiating with those nations an agreement to adopt the standards and implement appropriate verification measures to assure ongoing compliance; and

(3) coordinating with those nations and the International Atomic Energy Agency to strongly encourage other states to adopt and verifiably implement the standards.

SEC. 1333. AUTHORIZATION OF APPROPRIATIONS RELATING TO INVENTORY OF RUSSIAN TACTICAL NUCLEAR WARHEADS AND DATA EXCHANGES.

In addition to any other amounts authorized to be appropriated for such purposes, there are authorized to be appropriated to the Administrator for Nuclear Security for fiscal year 2007, $5,000,000 for assistance to Russia to facilitate the conduct of a comprehensive inventory of the stockpile of Russia of—

(1) non-strategic nuclear weapons; and

(2) nuclear weapons, whether strategic or non-strategic, that are not secured by PALs or other electronic means.

SEC. 1334. REPORT ON ACCOUNTING FOR AND SECURING OF RUSSIA'S NON-STRATEGIC NUCLEAR WEAPONS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on Russia's non-strategic nuclear weapons. The report shall—

(1) detail past and current efforts of the United States to encourage a proper accounting for and securing of Russia's non-strategic nuclear weapons and Russia's nuclear weapons, whether strategic or non-strategic, that are not secured by PALs or other electronic means;

(2) detail the actions that are most likely to lead to progress in improving the accounting for and securing or dismantlement of such weapons; and

(3) detail the feasibility of enhancing the national security of the United States by developing increased transparency between the United States and Russia with respect to the numbers, locations, and descriptions of such weapons and of the corresponding weapons of the United States.

SEC. 1335. RESEARCH AND DEVELOPMENT INVOLVING ALTERNATIVE USE OF WEAPONS OF MASS DESTRUCTION EXPERTISE.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law and subject to subsection (c), any funds available to a department or agency of the Federal Government may be used to conduct non-defense research and development in Russia and the states of the former Soviet Union on technologies specified in subsection (b) utilizing scientists in Russia and the states of the former Soviet Union who have expertise in—

(1) nuclear weapons; or

(2) chemical or biological weapons, but only if such scientists no longer engage, or have never engaged, in activities supporting prohibited chemical or biological capabilities.

(b) TECHNOLOGIES.—The technologies specified in this subsection are technologies on the following:

(1) Environmental restoration and monitoring.

(2) Proliferation detection.

(3) Health and medicine, including research.

(4) Energy.

(c) LIMITATION.—Funds may not be used under subsection (a) for research and development if the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Energy, determines that such research and development will—

(1) pose a threat to the security interests of the United States; or

(2) further materially any defense technology.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of State $20,000,000 for fiscal year 2007 for the following purposes:

(A) To make determinations under subsection (c).

(B) To defray any increase in costs incurred by the Department of State, or any other department or agency of the Federal Government, for research and development, or demonstration, as a result of research and development conducted under this section.

(2) AVAILABILITY.—(A) Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

(B) Any amount transferred to a department or agency of the Federal Government pursuant to paragraph (1)(B) shall be merged with amounts available to such department or agency to cover costs concerned, and shall be available for the same purposes, and for the same period, as amounts with which merged.

SEC. 1336. STRENGTHENING THE NUCLEAR NONPROLIFERATION TREATY.

(a) FINDINGS.—Congress makes the following findings:

(1) Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons (commonly referred to as the Nuclear Nonproliferation Treaty or NPT) (21 UST 483) states that countries that are parties to the treaty have the ''inalienable right . . . to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this treaty.''.

(2) The rights outlined under article IV include all fuel cycle activities, despite the fact that uranium enrichment and plutonium production potentially put a country in a position to produce weapons usable material.

(3) David Bergmann, former chairman of the Israeli Atomic Energy Commission, stated: ''. . . by developing atomic energy for peaceful uses, you reach the nuclear weapon option. There are not two atomic energies''.

(4) The wording of article IV has made it possible for countries that are parties to the NPT treaty to use peaceful nuclear programs as a cover for weapons programs. In particular, the misuse by North Korea and Iran of these provisions threatens to undercut the viability of the nuclear nonproliferation regime and the entire system of international nuclear commerce.

(5) If the international community fails to devise effective measures to deal with the ''loophole'' in article IV, then there is a great likelihood that the ranks of countries possessing nuclear weapons will increase markedly in the next decade.

(b) PRESIDENTIAL REPORT ON CONTROL OF NUCLEAR FUEL CYCLE TECHNOLOGIES AND MATERIAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report identifying ways to more effectively control nuclear fuel cycle technologies and material, including ways that the United States can mobilize the international community to close the ''loophole'' of article IV of the NPT, without undermining the treaty itself.

SEC. 1337. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations, the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate.

(2) COOPERATIVE THREAT REDUCTION PROGRAMS.—The term ''Cooperative Threat Reduction programs'' means programs and activities specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

DIVISION B—COMBATTING TERRORISM

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Targeting Terrorists More Effectively Act of 2006''.

TITLE XXI—EFFECTIVELY TARGETING TERRORISTS

SEC. 2101. SENSE OF CONGRESS ON SPECIAL OPERATIONS FORCES AND RELATED MATTERS.

It is the sense of Congress that—

(1) the number of active-duty Army Special Forces-qualified personnel should be increased during the four years after the date of the enactment of this Act so that on the date that is four years after the date of such enactment such number is 9,290;

(2) an additional 16 Predator aircraft should be acquired for the Air Force Special Operations Command by the end of fiscal year 2008;

(3) an additional Special Operations squadron should be established not later than fiscal year 2009; and

(4) the increase in the number of regular and reserve component personnel who are assigned civil affairs duty should be accelerated.

SEC. 2102. FOREIGN LANGUAGE EXPERTISE.

(a) FINDINGS.—Congress makes the following findings:

(1) Success in the global war on terrorism will require a dramatic increase in institutional and personal expertise in the languages and cultures of the societies where terrorism has taken root, including a substantial increase in the number of national security personnel who obtain expert lingual training.

(2) The National Commission on Terrorist Attacks Upon the United States identified the countries in the Middle East, South Asia, Southeast Asia, and West Africa as countries that serve or could serve as terrorist havens.

(3) Although 22 countries have Arabic as their official language, the National Commission on Terrorist Attacks Upon the United States found that a total of only 6 undergraduate degrees for the study of Arabic were granted by United States colleges and universities in 2002.

(4) The report of the National Commission on Terrorist Attacks Upon the United States contained several criticisms of the lack of linguistic expertise in the Central Intelligence Agency and the Federal Bureau of Investigation prior to the September 11, 2001 terrorist attacks, and called for the Central Intelligence Agency to ''develop a stronger language program, with high standards and sufficient financial incentives''.

(5) An audit conducted by the Department of Justice in July 2004, revealed that the Federal Bureau of Investigation has a backlog of hundreds of thousands of untranslated audio recordings from terror and espionage investigations.

(6) The National Security Education Program Trust Fund, which funds critical grant and scholarship programs for linguistic training in regions critical to national security, will have exhausted all its funding by fiscal year 2006, unless additional appropriations are made to the Trust Fund.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the overwhelming majority of Muslims reject terrorism and a small, radical minority has grossly distorted the teachings of one of the world's great faiths to seek justification for acts of terrorism, such radical Islamic fundamentalism constitutes a primary threat to the national security interests of the United States, and an effective strategy for combating terrorism should include increasing the number of personnel throughout the Federal Government with expertise in languages spoken in predominately Muslim countries and in the culture of such countries;

(2) Muslim-Americans constitute an integral and cherished part of the fabric of American society and possess many talents, including linguistic, historic, and cultural expertise that should be harnessed in the war against radical, fundamentalist terror; and

(3) amounts appropriated for the National Flagship Language Initiative pursuant to the amendments made by subsection (e)(2) should be used to support the establishment, operation, and improvement of programs for the study of Arabic, Persian, and other Middle Eastern, South Asian, Southeast Asian, and West African languages in institutes of higher education in the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) NATIONAL SECURITY EDUCATION TRUST FUND.—Section 810 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1910) is amended by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS FOR THE FUND FOR FISCAL YEAR 2007.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Fund $150,000,000 for fiscal year 2007.

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended and not more than $15,000,000 of such amounts may be obligated and expended during any fiscal year.''.

(2) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—

(A) IN GENERAL.—Section 811(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1911(a)) is amended by striking ''there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2003, $10,000,000'' and inserting ''there are authorized to be appropriated to the Secretary for each fiscal year 2003 through 2006, $10,000,000, and for each fiscal year after fiscal year 2006, $20,000,000,''.

(B) AVAILABILITY OF FUNDS.—Section 811(b) of such Act (50 U.S.C. 1911(b)) is amended by inserting ''for fiscal years 2003 through 2006'' after ''this section''.

(3) DEMONSTRATION PROGRAM.—There are authorized to be appropriated to the Director of National Intelligence such sums as may be necessary for each of fiscal years 2007, 2008, and 2009 in order to carry out the demonstration program established under subsection (c).

SEC. 2103. CURTAILING TERRORIST FINANCING.

(a) FINDINGS.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that ''[v]igorous efforts to track terrorist financing must remain front and center in United States counterterrorism efforts''.

(2) The report of the Independent Task Force sponsored by the Council on Foreign Relations stated that ''currently existing U. S. and international policies, programs, structures, and organizations will be inadequate to assure sustained results commensurate with the ongoing threat posed to the national security of the United States''.

(3) The report of the Independent Task Force contained the conclusion that ''[l]ong-term success will depend critically upon the structure, integration, and focus of the U. S. Government—and any intergovernmental efforts undertaken to address this problem''.

(b) POLICY.—It is the policy of the United States—

(1) to work with the Government of Saudi Arabia to curtail terrorist financing originating from that country using a range of methods, including diplomacy, intelligence, and law enforcement;

(2) to ensure effective coordination and sufficient resources for efforts of the agencies and departments of the United States to disrupt terrorist financing by carrying out, through the Office of Terrorism and Financial Intelligence in the Department of the Treasury, a comprehensive analysis of the budgets and activities of all such agencies and departments that are related to disrupting the financing of terrorist organizations;

(3) to provide each agency or department of the United States with the appropriate number of personnel to carry out the activities of such agency or department related to disrupting the financing of terrorist organizations;

(4) to centralize the coordination of the efforts of the United States to combat terrorist financing and utilize existing authorities to identify foreign jurisdictions and foreign financial institutions suspected of abetting terrorist financing and take actions to prevent the provision of assistance to terrorists; and

(5) to work with other countries to develop and enforce strong domestic terrorist financing laws, and increase funding for bilateral and multilateral programs to enhance training and capacity-building in countries who request assistance.

(c) AUTHORIZATION OF APPROPRIATIONS TO PROVIDE TECHNICAL ASSISTANCE TO PREVENT FINANCING OF TERRORISTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for the ''Economic Support Fund'' to provide technical assistance under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to foreign countries to assist such countries in preventing the financing of terrorist activities—

(A) for fiscal year 2007, $300,000,000; and

(B) for fiscal years 2008 and 2009, such sums as may be necessary.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

(3) ADDITIONAL FUNDS.—Amounts authorized to be appropriated under this subsection are in addition to amounts otherwise available for such purposes.

SEC. 2104. PROHIBITION ON TRANSACTIONS WITH COUNTRIES THAT SUPPORT TERRORISM.

(a) CLARIFICATION OF CERTAIN ACTIONS UNDER IEEPA.—In any case in which the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a foreign country, or persons dealing with or associated with the government of that foreign country, and the government of that foreign country is determined by the Secretary of State to have repeatedly provided support for acts of international terrorism, such action shall apply to a United States person or other person.

(b) DEFINITIONS.—In this section:

(1) CONTROLLED IN FACT.—The term ''is controlled in fact'' includes—

(A) in the case of a corporation, holds at least 50 percent (by vote or value) of the capital structure of the corporation; and

(B) in the case of any other kind of legal entity, holds interests representing at least 50 percent of the capital structure of the entity.

(2) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories or possessions of the United States.

(3) UNITED STATES PERSON.—The term ''United States person'' includes any United States citizen, permanent resident alien, entity organized under the law of the United States or of any State (including foreign branches), wherever located, or any other person in the United States.

(c) APPLICABILITY.—

(1) IN GENERAL.—In any case in which the President has taken action under the International Emergency Economic Powers Act and such action is in effect on the date of the enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of the enactment of this Act.

(2) ACTIONS AFTER DATE OF ENACTMENT.—In any case in which the President takes action

under the International Emergency Economic Powers Act on or after the date of the enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of such action.

(d) NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

''The Director of the Office of Foreign Assets Control shall notify Congress upon the termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.''.

SEC. 2105. COMPTROLLER GENERAL REPORT ON UNITED KINGDOM AND UNITED STATES ANTI-TERRORISM POLICIES AND PRACTICES.

(a) REPORT REQUIRED.—Not later than July 1, 2007, the Comptroller General of the United States shall submit to Congress a report setting forth a comparative analysis of the anti-terrorism policies and practices of the United Kingdom and the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include a comparative analysis of the following:

(1) The counter-intelligence laws and methods of the United Kingdom and the United States.

(2) The structure of the intelligence and law enforcement agencies of the United Kingdom Government and the United States Government.

(3) The compliance by the executive agencies of the United Kingdom and the United States with the laws of such country applicable to terrorism.

(4) The constitutional and legal considerations that enter into the development of anti-terrorism policies in the United Kingdom and the United States.

SEC. 2106. ENHANCEMENT OF INTELLIGENCE COMMUNITY EFFORTS TO BRING OSAMA BIN LADEN AND OTHER AL QAEDA LEADERS TO JUSTICE.

(a) ADDITIONAL APPROPRIATION FOR INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.—There is hereby appropriated for the fiscal year ending September 30, 2007, for the Intelligence Community Management Account $200,000,000 which amount shall be available only for a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda.

(b) REPORTS ON EFFORTS.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall, in consultation with other appropriate officials, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in subsection (a), including—

(1) an assessment of the likely current location of terrorist leaders (including Osama bin Laden and other key leaders of al Qaeda);

(2) a description of ongoing efforts to bring to justice such terrorists;

(3) a description of the cooperation provided by the governments of any countries assessed as likely locations of top leaders of al Qaeda and by other relevant countries;

(4) a description of diplomatic efforts currently being made to improve the cooperation of any governments described in paragraph (3); and

(5) a description of the status of, and strategy for bringing to justice, perpetrators of terrorism including the top leadership of al Qaeda.

TITLE XXII—PREVENTING THE GROWTH OF RADICAL ISLAMIC FUNDAMENTALISM

Subtitle A—Quality Educational Opportunities

SEC. 2201. FINDINGS, POLICY, AND DEFINITION.

(a) FINDINGS.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that ''[e]ducation that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamic terrorism''.

(2) According to the United Nations Development Program Arab Human Development Report for 2002, 10,000,000 children between the ages of 6 through 15 in the Arab world do not attend school, and ⅔ of the 65,000,000 illiterate adults in the Arab world are women.

(3) The report of the National Commission on Terrorist Attacks Upon the United States concluded that ensuring educational opportunity is essential to the efforts of the United States to defeat global terrorism and recommended that the United States Government ''should offer to join with other nations in generously supporting [spending funds] . . . directly on building and operating primary and secondary schools in those Muslim states that commit to sensibly investing financial resources in public education''.

(b) POLICY.—It is the policy of the United States—

(1) to work toward the goal of dramatically increasing the availability of basic education in the developing world, which will reduce the influence of radical madrassas and other institutions that promote religious extremism;

(2) to join with other countries in generously supporting the International Youth Opportunity Fund authorized under section 7114 of the 9/11 Commission Implementation Act of 2004 (Public Law 108–458), with the goal of building and operating primary and secondary schools in Muslim countries that commit to sensibly investing the resources of such countries in public education;

(3) to work with the international community, including foreign countries and international organizations to raise $7,000,000,000 to $10,000,000,000 each year to fund education programs in Muslim countries;

(4) to offer additional incentives to countries to increase the availability of basic education; and

(5) to work to prevent financing of educational institutions that support radical Islamic fundamentalism.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subtitle, the term ''appropriate congressional committees'' means 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.

SEC. 2202. ANNUAL REPORT TO CONGRESS.

Not later than June 1 each year, the Secretary of State shall submit to the appropriate congressional committees a report on the efforts of countries in the developing world to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism. Each report shall include—

(1) a list of countries that are making serious and sustained efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism;

(2) a list of countries that are making efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism, but such efforts are not serious and sustained; and

(3) a list of countries that are not making efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism.

SEC. 2203. AUTHORIZATION OF APPROPRIATIONS.

(a) INTERNATIONAL EDUCATION PROGRAMS.—There are authorized to be appropriated to the President for ''Development Assistance'' for international education programs carried out under sections 105 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151c and 2293)—

(1) for fiscal year 2007, $1,000,000,000; and

(2) for fiscal years 2008 and 2009, such sums as may be necessary.

(b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—There are authorized to be appropriated to the President for fiscal years 2007, 2008, and 2009 such sums as may be necessary for the United States contribution to the International Youth Opportunity Fund authorized under section 7114 of the 9/11 Commission Implementation Act of 2004 (Public Law 108–458) for international education programs.

(c) ADDITIONAL FUNDS.—Amounts authorized to be appropriated in this section are in addition to amounts otherwise available for such purposes.

Subtitle B—Democracy and Development in the Muslim World

SEC. 2211. PROMOTING DEMOCRACY AND DEVELOPMENT IN THE MIDDLE EAST, CENTRAL ASIA, SOUTH ASIA, AND SOUTHEAST ASIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Al-Qaeda and affiliated groups have established a terrorist network with linkages throughout the Middle East, Central Asia, South Asia, and Southeast Asia.

(2) While political repression and lack of economic development do not justify terrorism, increased political freedoms and economic growth can contribute to an environment that undercuts tendencies and conditions that facilitate the rise of terrorist organizations.

(3) It is in the national security interests of the United States to promote democracy, good governance, political freedom, independent media, women's rights, private sector development, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia.

(b) POLICY.—It is the policy of the United States—

(1) to promote the objectives described in subsection (a)(3) in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia;

(2) to provide assistance and resources to organizations that are committed to promoting such objectives; and

(3) to work with other countries and international organizations to increase the resources devoted to promoting such objectives.

(c) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a strategy to promote the policy of the United States set out in subsection (b). Such strategy shall describe how funds appropriated pursuant to the authorization of appropriations in subsection (d) will be used.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for the ''Economic Support Fund'' for activities carried out under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to promote the policy of the United States set out in subsection (b)—

(A) for fiscal year 2007, $500,000,000; and

(B) for fiscal years 2008 and 2009, such sums as may be necessary.

(2) SENSE OF CONGRESS ON USE OF FUNDS.—It is the sense of Congress that a substantial portion of the funds appropriated pursuant to the authorization of appropriations in paragraph (1) should be made available to non-governmental organizations that have a record of success working in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia to build and support democratic institutions, democratic parties, human rights organizations, independent media, and the efforts to promote the rights of women.

(3) ADDITIONAL FUNDS.—Amounts authorized to be appropriated in paragraph (1) are in addition to amounts otherwise available for such purposes.

SEC. 2212. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the ''Foundation'').

(2) FUNDING.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes of this section, including through making grants and providing other assistance to entities to carry out programs for such purposes.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary of State shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives prior to designating an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and including such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes of this section.

(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes of this section, and may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States and without further appropriation by Congress.

(g) FINANCIAL ACCOUNTABILITY.—

(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) AUDITS OF GRANT RECIPIENTS.—

(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2007, and annually thereafter, the Foundation shall submit to Congress and make available to the public an annual report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes of this section; and

(4) the financial condition of the Foundation.

Subtitle C—Restoring American Moral Leadership

SEC. 2221. ADVANCING UNITED STATES INTERESTS THROUGH PUBLIC DIPLOMACY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States needs to improve its communication of information and ideas to people in foreign countries, particularly in countries with significant Muslim populations.

(2) Public diplomacy should reaffirm the paramount commitment of the United States to democratic principles, including preserving the civil liberties of all the people of the United States, including Muslim-Americans.

(3) The report of the National Commission on Terrorist Attacks Upon the United States stated that, ''Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.''.

(4) A significant expansion of United States international broadcasting would provide a cost-effective means of improving communication with countries with significant Muslim populations by providing news, information, and analysis, as well as cultural programming, through both radio and television broadcasts.

(b) SPECIAL AUTHORITY FOR SURGE CAPACITY.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding at the end the following new section:

''SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.

''(a) EMERGENCY AUTHORITY.—

''(1) IN GENERAL.—Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other entity of the United States to furnish the Broadcasting Board of Governors with such assistance as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

''(2) SUPERSEDES EXISTING LAW.—The authority of paragraph (1) supersedes any other provision of law.

''(3) SURGE CAPACITY DEFINED.—In this subsection, the term 'surge capacity' means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis.

''(b) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed $25,000,000.

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

''(3) DESIGNATION OF APPROPRIATIONS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the 'United States International Broadcasting Surge Capacity Fund'.''.

(c) REPORT.—An annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 305(a)(9) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)(9)) shall provide a detailed description of any activities carried out under section 316 of such Act, as added by subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purposes, the following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277), and this division, and to carry out other authorities in law consistent with such purposes:

(A) INTERNATIONAL BROADCASTING OPERATIONS.—For ''International Broadcasting Operations'', $500,000,000 for the fiscal year 2007.

(B) BROADCASTING CAPITAL IMPROVEMENTS.—For ''Broadcasting Capital Improvements'', $70,000,000 for the fiscal year 2007.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this section are authorized to remain available until expended.

SEC. 2222. DEPARTMENT OF STATE PUBLIC DIPLOMACY PROGRAMS.

(a) UNITED STATES EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY PROGRAMS.—There are authorized to be appropriated for the Department of State to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with the purposes of such Acts for ''Educational and Cultural Exchange Programs'', $500,000,000 for the fiscal year 2007.

(b) ADMINISTRATION OF FOREIGN AFFAIRS.—There are authorized to be appropriated for the Department of State under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law for ''Diplomatic and Consular Programs'', $500,000,000 for the fiscal year 2007, which shall only be available for public diplomacy international information programs.

SEC. 2223. TREATMENT OF DETAINEES.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Carrying out the global war on terrorism requires the development of policies with respect to the detention and treatment of captured international terrorists that are adhered to by all coalition forces.

(2) Article 3 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316), was specifically designed for cases in which the usual rules of war do not apply, and the minimum standards of treatment pursuant to such Article are generally accepted throughout the world as customary international law.

(3) The Commission on Terrorist Attacks Upon the United States urged to the United States to engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists. The 9/11 Public Discourse Project went on to give the Administration a ranking of ''unfulfilled'' in this area, commenting that ''[d]issession either at home or abroad on how the United States treats captured terrorists only makes it harder to build the diplomatic, political and military alliance necessary to fight the war on terror effectively''.

(b) POLICY.—The policy of the United States is as follows:

(1) It is the policy of the United States to treat all foreign persons captured, detained, interned, or otherwise held in the custody of the United States (hereinafter ''detainees'') humanely and in accordance with the legal obligations under United States law and international law, including the obligations in the Convention Against Torture, the Geneva Conventions, and the Detainee Treatment Act of 2005.

(2) It is the policy of the United States that all officials of the United States are bound both in wartime and in peacetime by the legal prohibitions against torture, cruel, inhumane, or degrading treatment set out in the Constitution, laws, and treaties of the United States, as reiterated by the Supreme Court in Hamdan v. Rumsfeld (126 S. Ct. 2749 (2006)).

(3) If there is any doubt as to whether a detainee is entitled to the protections afforded by the Geneva Conventions, it is the policy of the United States that such detainee shall enjoy the protections of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316) until such time as the detainee's status can be determined pursuant to the procedures authorized by Army Regulation 190–8, Section 1–096.

(4) It is the policy of the United States to expeditiously process and, if appropriate, prosecute detainees in the custody of the United States, including detainees in custody at Guantanamo Bay, Cuba.

(c) REPORTING.—The Secretary shall submit to the appropriate congressional committees the following:

(1) Not later than 180 days after the date of the enactment of this Act, a report setting forth the number of individuals currently held at Guantanamo Bay, Cuba, the number of such individuals who are unlikely to face a military commission in the next six months, and each reason for not bringing such individuals before a military commission.

(2) Not later than 90 days after the date of the enactment of this Act, a report setting forth all interrogation techniques approved, as of the date of the enactment of this Act, by officials of the United States for use with detainees.

(d) RULES, REGULATIONS, AND GUIDELINES.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary and the Director shall prescribe the rules, regulations, or guidelines necessary to ensure compliance with the standards of the Detainee Treatment Act of 2005 and Common Article 3 of the Geneva Conventions by all personnel of the United States Government and by any person providing services to the United States Government on a contract basis.

(2) REPORT TO CONGRESS.—The Secretary and the Director shall submit to Congress the rules, regulations, or guidelines prescribed under paragraph (1), and any modifications to such rules, regulations, or guidelines—

(A) not later than 30 days after the effective date of such rules, regulations, guidelines, or modifications; and

(B) in a manner and form that will protect the national security interests of the United States.

(e) REPORTS ON POSSIBLE VIOLATIONS.—

(1) REQUIREMENT.—The Secretary and the Director shall each submit, on a timely basis and not less than twice each year, a report to Congress on the circumstances surrounding, and a status report on, any investigation of, or prosecution on account of, a possible violation of the standards specified in subsection (d)(1) by United States Government personnel or by a person providing services to the United States Government on a contract basis.

(2) FORM OF REPORT.—A report required under paragraph (1) shall be submitted in a manner and form that—

(A) will protect the national security interests of the United States; and

(B) will not prejudice any prosecution of an individual alleged to have violated the standards specified in subsection (d)(1).

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate and the Committee on Armed Services, the Committee on the Judiciary, and the Committee on International Relations of the House of Representatives.

(2) CONVENTION AGAINST TORTURE.—The term ''Convention Against Torture'' means the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(3) DIRECTOR.—The term ''Director'' means the Director of National Intelligence.

(4) GENEVA CONVENTIONS.—The term ''Geneva Conventions'' means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

(6) TORTURE.—The term ''torture'' has the meaning given that term in section 2340 of title 18, United States Code.

SEC. 2224. NATIONAL COMMISSION TO REVIEW POLICY REGARDING THE TREATMENT OF DETAINEES.

(a) ESTABLISHMENT OF COMMISSION.—There is established the National Commission To Review Policy Regarding the Treatment of Detainees.

(b) PURPOSES.—The purposes of the Commission are as follows:

(1) To examine and report upon the role of policymakers in the interrogation and detention policies related to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom.

(2) To examine and report on the causes of the alleged mistreatment of detainees by United States personnel and the impact of such mistreatment on the security of the Armed Forces of the United States.

(3) To build upon the reviews of the policies of the United States related to the treatment of individuals detained by the United States, including such reviews conducted by the executive branch, Congress, or other entities.

(c) COMPOSITION OF THE COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 15 members, of whom—

(A) 3 members shall be appointed by the majority leader of the Senate;

(B) 3 members shall be appointed by the Speaker of the House of Representatives;

(C) 3 members shall be appointed by the minority leader of the Senate;

(D) 3 members shall be appointed by the minority leader of the House of Representatives;

(E) 1 member shall be appointed by the Judge Advocate General of the Army;

(F) 1 member shall be appointed by the Judge Advocate General of the Navy; and

(G) 1 member shall be appointed by the Judge Advocate General of the Air Force.

(2) CHAIRPERSON; VICE CHAIRPERSON.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(B) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson may not be from the same political party.

(3) INITIAL MEETING.—Once 10 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(4) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chairperson or a majority of its members. Eight members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) SENSE OF CONGRESS ON QUALIFICATIONS OF COMMISSION MEMBERS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in the fields of intelligence, law enforcement, or foreign affairs, or experience serving the United States Government, including service in the Armed Forces.

(d) FUNCTIONS OF THE COMMISSION.—The functions of the Commission are—

(1) to conduct an investigation that—

(A) investigates the development and implementation of policy relating to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom;

(B) determines whether the United States policy related to the treatment of detained individuals has adversely affected the security of the members of the Armed Forces of the United States;

(C) determines the causes and factors contributing to the alleged abuse of detainees, and whether and to what extent the incidences of abuse of detained individuals has affected the standing of the United States in the world;

(D) determines whether and to what extent leaders of the United States Armed Forces were given the opportunity to comment on and influence policy relating to treatment of detained individuals;

(E) assesses the responsibility of leaders for policies and actions, or failures to act, that may have contributed to the mistreatment of detainees; and

(F) determines whether and to what extent policy relating to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom differed from the policies and practices regarding detainees established by the Armed Forces prior to such operations; and

(2) to submit to the President and Congress such report as is required by this section containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(e) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this section—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, cables, electronic messages, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—

(i) ISSUANCE.—Subpoenas issued under subparagraph (A)(ii) may be issued under the signature of the Chairperson of the Commission, the Vice Chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the Chairperson, subcommittee chairperson, or member.

(ii) ENFORCEMENT.—

(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A)(ii), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(II) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(2) CLOSED MEETINGS.—

(A) IN GENERAL.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(B) ADDITIONAL AUTHORITY.—In addition to the authority under subparagraph (A), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(3) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this section. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(f) STAFF OF THE COMMISSION.—

(1) APPOINTMENT AND COMPENSATION.—The Chairperson and Vice Chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to a member of the Commission.

(3) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(g) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(h) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—The appropriate departments and agencies of the Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

(i) REPORT OF THE COMMISSION.—Not later than 9 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress a report containing such findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.

(j) TERMINATION.—

(1) TERMINATION.—The Commission, and all the authorities of this section, shall terminate 60 days after the date on which the report is submitted under subsection (i).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission to carry out this section $5,000,000, to remain available until expended.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

SEC. 2231. AFGHANISTAN.

(a) AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.—Section 108(a) the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7518(a)) is amended by striking ''such sums as may be necessary for each of the fiscal years 2005 and 2006'' and inserting ''$2,400,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 and 2009''.

(b) OTHER AUTHORIZATIONS OF APPROPRIATIONS FOR FOREIGN RELATIONS ACTIVITIES.—

(1) FISCAL YEAR 2007.—There are authorized to be appropriated to the President for providing assistance for Afghanistan in a manner consistent with the provisions of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) for fiscal year 2007—

(A) for ''International Military Education and Training'', $1,000,000 to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347);

(B) for ''Foreign Military Financing Program'' grants, $444,000,000 to carry out the provisions of section 23 of the Arms Export Control Act (22 U.S.C. 2763); and

(C) for ''Peacekeeping Operations'', $30,000,000 to carry out the provisions of section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348).

(2) FISCAL YEARS 2008 AND 2009.—

(A) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated for each of the purposes described in subparagraphs (A) through (C) of paragraph (1) such sums as may be necessary for each of the fiscal years 2008 and 2009.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the amount appropriated for each purpose described in subparagraphs (A) through (C) of paragraph (1) for each of the fiscal years 2008 and 2009 should be an amount that is equal to 125 percent of the amount appropriated for such purpose during the preceding fiscal year.

(c) AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—There are authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, for Defense-wide activities, $20,000,000 for support to provisional reconstruction teams in Afghanistan.

(d) OTHER FUNDS.—Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for such purposes.

SEC. 2232. PAKISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) Since September 11, 2001, the Government of Pakistan has been an important partner in helping the United States remove the Taliban regime in Afghanistan and combating international terrorism in the frontier provinces of Pakistan.

(2) There remain a number of critical issues that threaten to disrupt the relationship between the United States and Pakistan, undermine international security, and destabilize Pakistan, including—

(A) curbing the proliferation of nuclear weapons technology;

(B) combating poverty and corruption;

(C) building effective government institutions, especially secular public schools;

(D) promoting democracy and rule of law, particularly at the national level; and

(E) effectively dealing with Islamic extremism.

(b) POLICY.—It is the policy of the United States—

(1) to work with the Government of Pakistan to combat international terrorism, especially in the frontier provinces of Pakistan;

(2) to establish a long-term strategic partnership with the Government of Pakistan to address the issues described in subparagraphs (A) through (E) of subsection (a)(2);

(3) to dramatically increase funding for United States Agency for International Development and Department of State programs that assist Pakistan in addressing such issues, if the Government of Pakistan demonstrates a commitment to building a moderate, democratic state; and

(4) to work with the international community to secure additional financial and political support to effectively implement the policies set forth in this subsection and help to resolve the dispute between the Government of Pakistan and the Government of India over the disputed territory of Kashmir.

(c) STRATEGY ON PAKISTAN.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States to engage with the Government of Pakistan to address the issues described in subparagraphs (A) through (E) of subsection (a)(2) in order accomplish the goal of building a moderate, democratic Pakistan.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term ''appropriate congressional committees'' means—

(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(B) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

(d) NUCLEAR PROLIFERATION.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a long-term strategy to improve the United States relationship with Pakistan and works with the Government of Pakistan to stop nuclear proliferation.

(2) LIMITATION ON ASSISTANCE TO PAKISTAN.—None of the funds appropriated for a fiscal year to provide military or economic assistance to the Government of Pakistan may be made available for such purpose unless the President submits to Congress for such fiscal year a certification that no military or economic assistance provided by the United States to the Government of Pakistan will be provided, either directly or indirectly, to a person that is opposing or undermining the efforts of the United States Government to halt the proliferation of nuclear weapons.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for providing assistance for Pakistan for fiscal year 2007—

(A) for ''Development Assistance'', $50,000,000 to carry out the provisions of section 103, 105, and 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, and 2151d,);

(B) for the ''Child Survival and Health Programs Fund'', $35,000,000 to carry out the provisions of sections 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b);

(C) for the ''Economic Support Fund'', $350,000,000 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

(D) for ''International Narcotics and Law Enforcement'', $50,000,000 to carry out the provisions of section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291);

(E) for ''Nonproliferation, Anti-Terrorism, Demining, and Related Programs'', $10,000,000;

(F) for ''International Military Education and Training'', $2,000,000 to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347); and

(G) for ''Foreign Military Financing Program'', $300,000,000 grants to carry of the provision of section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) OTHER FUNDS.—Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for such purposes.

SEC. 2233. SAUDI ARABIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Kingdom of Saudi Arabia has an uneven record in the fight against terrorism, especially with respect to terrorist financing, support for radical madrassas, and a lack of political outlets for its citizens, that

poses a threat to the security of the United States, the international community, and the Kingdom of Saudi Arabia itself.

(2) The United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists that operate within that nation or that operate outside Saudi Arabia with the support of citizens of Saudi Arabia.

(3) In order to more effectively combat terrorism, the Government of Saudi Arabia must undertake a number of political and economic reforms, including increasing antiterrorism operations conducted by law enforcement agencies, providing more political rights to its citizens, increasing the rights of women, engaging in comprehensive educational reform, enhancing monitoring of charitable organizations, promulgating and enforcing domestic laws and regulation on terrorist financing.

(b) POLICY.—It is the policy of the United States—

(1) to engage with the Government of Saudi Arabia to openly confront the issue of terrorism, as well as other problematic issues such as the lack of political freedoms, with the goal of restructuring the relationship on terms that leaders of both nations can publicly support;

(2) to enhance counterterrorism cooperation with the Government of Saudi Arabia, if the political leaders of such Government are committed to making a serious, sustained effort to combat terrorism; and

(3) to support the efforts of the Government of Saudi Arabia to make political, economic, and social reforms throughout the country.

(c) STRATEGY ON SAUDI ARABIA.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States—

(A) to engage with the Government of Saudi Arabia to facilitate political, economic, and social reforms that will enhance the ability of the Government of Saudi Arabia to combat international terrorism; and

(B) to effectively prevent the financing of terrorists in Saudi Arabia.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term ''appropriate congressional committees'' means—

(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(B) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

TITLE XXIII—PROTECTION FROM TERRORIST ATTACKS THAT UTILIZE NUCLEAR, CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL WEAPONS

Subtitle A—Non-Proliferation Programs

SEC. 2301. REPEAL OF LIMITATIONS TO THREAT REDUCTION ASSISTANCE.

Section 5 of S. 2980 of the 108th Congress (the Nunn-Lugar Cooperative Threat Reduction Act of 2004), as introduced on November 16, 2004, is hereby enacted into law.

SEC. 2302. RUSSIAN TACTICAL NUCLEAR WEAPONS.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the following:

(1) An assessment of the number, location, condition, and security of Russian tactical nuclear weapons.

(2) An assessment of the threat that would be posed by the theft of Russian tactical nuclear weapons.

(3) A plan for developing with Russia a cooperative program to secure, consolidate, and, as appropriate, dismantle Russian tactical nuclear weapons.

(b) PROGRAM.—The Secretary of Defense and the Secretary of Energy shall jointly work with Russia to establish a cooperative program, based on the report under subsection (a), to secure, consolidate, and, as appropriate, dismantle Russian tactical nuclear weapons in order to achieve reductions in the total number of Russian tactical nuclear weapons.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEPARTMENT OF DEFENSE.—There are authorized to be appropriated for the Department of Defense, $25,000,000 to carry out this section.

(2) DEPARTMENT OF ENERGY.—There are authorized to be appropriated for the Department of Energy, $25,000,000 to carry out this section.

SEC. 2303. ADDITIONAL ASSISTANCE TO ACCELERATE NON-PROLIFERATION PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE.—There are authorized to be appropriated to the Department of Defense $105,000,000 for fiscal year 2007 for Cooperative Threat Reduction Activities as follows:

(1) To accelerate security upgrades at nuclear warhead storage sites located in Russia or another country of the former Soviet Union, $15,000,000.

(2) To accelerate biological weapons proliferation prevention programs in Kazakhstan, Georgia, and Uzbekistan, $15,000,000.

(3) To accelerate destruction of Libyan chemical weapons, materials, and related equipment, $75,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Department of Energy $95,000,000 for fiscal year 2007 for nonproliferation activities of the National Nuclear Security Administration as follows:

(1) To accelerate the Global Threat Reduction Initiative, $20,000,000.

(2) To accelerate security upgrades at nuclear warhead storage sites located in Russia or in another country, $15,000,000.

(3) To accelerate the closure of the plutonium producing reactor at Zheleznogorsk, Russia as part of the program to eliminate weapons grade plutonium production, $25,000,000.

(4) To accelerate completion of comprehensive security upgrades at Russian storage sites for weapons-usable nuclear materials, $15,000,000.

(c) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of State $25,000,000 for fiscal year 2007 for nonproliferation activities as follows:

(A) To accelerate engagement of former chemical an biological weapons scientists in Russia and the countries of the former Soviet Union through the Bio-Chem Redirect Program, $15,000,000.

(B) To enhance efforts to combat bioterrorism by transforming the Soviet biological weapons research and production facilities to commercial enterprises through the Bio-Industry Initiative, $10,000,000.

(2) AVAILABILITY OF FUNDS.—The amount authorized to be appropriated by paragraph (1) shall remain available until expended.

SEC. 2304. ADDITIONAL ASSISTANCE TO THE INTERNATIONAL ATOMIC ENERGY AGENCY.

There are authorized to be appropriated to the Department of Energy $20,000,000 to be used to provide technical and other assistance to the International Atomic Energy Agency to support nonproliferation programs. Such amount is in addition to amounts otherwise available for such purpose.

Subtitle B—Border Protection

SEC. 2311. FINDINGS.

Congress makes the following findings:

(1) More than 500,000,000 people cross the borders of the United States at legal points of entry each year, including approximately 330,000,000 people who are not citizens of the United States.

(2) The National Commission on Terrorist Attacks Upon the United States found that 15 of the 19 hijackers involved in the September 11, 2001 terrorist attacks ''were potentially vulnerable to interception by border authorities''.

(3) Officials with the Bureau of Customs and Border Protection and with the Bureau of Immigration and Customs Enforcement have stated that there is a shortage of agents in such Bureaus. Due to an inadequate budget, the Bureau of Immigration and Customs Enforcement has effected a hiring freeze since March 2004, and the Bureau has not made public any plans to end this freeze.

SEC. 2312. HIRING AND TRAINING OF BORDER SECURITY PERSONNEL.

(a) INSPECTORS AND AGENTS.—

(1) INCREASE IN INSPECTORS AND AGENTS.—During each of fiscal years 2007 through 2010, the Secretary of Homeland Security shall—

(A) increase the number of full-time agents and associated support staff in the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees in the Bureau as of the end of the preceding fiscal year; and

(B) increase the number of full-time inspectors and associated support staff in the Bureau of Customs and Border Protection by the equivalent of at least 200 more than the number of such employees in the Bureau as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—The Secretary shall provide appropriate training for agents, inspectors, and associated support staff on an ongoing basis to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

Subtitle C—First Responders

SEC. 2321. FINDINGS.

Congress makes the following findings:

(1) In a report entitled ''Emergency First Responders: Drastically Underfunded, Dangerously Unprepared'', an independent task force sponsored by the Council on Foreign Relations found that ''America's local emergency responders will always be the first to confront a terrorist incident and will play the central role in managing its immediate consequences. Their efforts in the first minutes and hours following an attack will be critical to saving lives, establishing order, and preventing mass panic. The United States has both a responsibility and a critical need to provide them with the equipment, training, and other resources necessary to do their jobs safely and effectively.''.

(2) The task force further concluded that many state and local emergency responders, including police officers and firefighters, lack the equipment and training needed to respond effectively to a terrorist attack involving weapons of mass destruction.

(3) The Federal Government has a responsibility to ensure that the people of the United States are protected to the greatest possible extent against a terrorist attack, especially an attack that utilizes nuclear, chemical, biological, or radiological weapons, and consequently, the Federal Government has a critical responsibility to address the equipment, training, and other needs of State and local first responders.

SEC. 2322. RESTORATION OF JUSTICE ASSISTANCE FUNDING.

(a) FINDINGS.—Congress makes the following findings:

(1) State and local police officers, firefighters, and emergency responders play an essential role in the efforts of the United States to prevent terrorist attacks and, if an attack occurred, to address the effects of the attack.

(2) An independent task force has concluded that hundreds of local police offices and firefighting and emergency response units throughout the United States are unprepared for responding to a terrorist attack involving nuclear, chemical, biological, or radiological weapons.

(3) The Edward Byrne Memorial Justice Assistance Grant Program provides critical Federal support for personnel, equipment, training, and technical assistance for the homeland security responsibilities of local law enforcement offices.

(4) The Consolidated Appropriations Act, 2005 (Public Law 108–447) appropriated funding for the Edward Byrne Memorial Justice Assistance Grant Program, a program that resulted from the combination of the Edward Byrne Memorial Grant Program and the Local Law Enforcement Block Grant Program.

(5) Funding for the Edward Byrne Memorial Justice Assistance Grant Program, as provided in the Consolidated Appropriations Act, 2005, has been reduced by nearly 50 percent since fiscal year 2002.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should request in the annual budget proposal, and Congress should appropriate, the full amount authorized to be appropriated in subsection (c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Edward Byrne Memorial Justice Assistance Grant Program—

(1) for fiscal year 2007, $1,250,000,000;

(2) for fiscal year 2008, $1,400,000,000; and

(3) for fiscal year 2009, $1,600,000,000.

SEC. 2323. PROVIDING RELIABLE OFFICERS, TECHNOLOGY, EDUCATION, COMMUNITY PROSECUTORS, AND TRAINING IN OUR NEIGHBORHOOD INITIATIVE.

(a) COPS PROGRAM.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended—

(1) by inserting ''and prosecutor'' after ''increase police''; and

(2) by inserting ''to enhance law enforcement access to new technologies, and'' after ''presence,''.

(b) HIRING AND REDEPLOYMENT GRANT PROJECTS.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by inserting after ''Nation'' the following: '', or pay overtime to existing career law enforcement officers to the extent that such overtime is devoted to community policing efforts''; and

(ii) by striking ''and'' at the end;

(B) in subparagraph (C)—

(i) by striking ''or pay overtime''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) promote higher education among in-service State and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education.''; and

(2) in paragraph (2), by striking all that follows ''SUPPORT SYSTEMS.—'' and inserting ''Grants pursuant to—

''(A) paragraph (1)(B) for overtime may not exceed 25 percent of the funds available for grants pursuant to this subsection for any fiscal year;

''(B) paragraph (1)(C) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year; and

''(C) paragraph (1)(D) may not exceed 5 percent of the funds available for grants pursuant to this subsection for any fiscal year.''.

(c) ADDITIONAL GRANT PROJECTS.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (2)—

(A) by inserting ''integrity and ethics'' after ''specialized''; and

(B) by inserting ''and'' after ''enforcement officers'';

(2) in paragraph (7), by inserting ''school officials, religiously-affiliated organizations,'' after ''enforcement officers'';

(3) by striking paragraph (8) and inserting the following:

''(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;'';

(4) in paragraph (10), by striking ''and'' at the end;

(5) in paragraph (11), by striking the period that appears at the end and inserting ''; and''; and

(6) by adding at the end the following:

''(12) develop and implement innovative programs (such as the TRIAD program) that bring together a community's sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.''.

(d) TECHNICAL ASSISTANCE.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting ''use up to 5 percent of the funds appropriated under subsection (a) to'' after ''The Attorney General may''; and

(B) by inserting at the end the following: ''In addition, the Attorney General may use up to 5 percent of the funds appropriated under subsections (d), (e), and (f) for technical assistance and training to States, units of local government, Indian tribal governments, and to other public and private entities for those respective purposes.'';

(2) in paragraph (2), by inserting ''under subsection (a)'' after ''the Attorney General''; and

(3) in paragraph (3)—

(A) by striking ''the Attorney General may'' and inserting ''the Attorney General shall'';

(B) by inserting ''regional community policing institutes'' after ''operation of''; and

(C) by inserting ''representatives of police labor and management organizations, community residents,'' after ''supervisors,''.

(e) TECHNOLOGY AND PROSECUTION PROGRAMS.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by striking subsection (k);

(2) by redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) by striking subsection (e) and inserting the following:

''(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—Grants made under subsection (a) may be used to assist police departments, in employing professional, scientific, and technological advancements that will help them—

''(1) improve police communications through the use of wireless communications, computers, software, videocams, databases and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

''(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

''(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information—including non-criminal justice data—to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in regional crime analysis.

''(f) COMMUNITY-BASED PROSECUTION PROGRAM.—Grants made under subsection (a) may be used to assist State, local or tribal prosecutors' offices in the implementation of community-based prosecution programs that build on local community policing efforts. Funds made available under this subsection may be used to—

''(1) hire additional prosecutors who will be assigned to community prosecution programs, including programs that assign prosecutors to handle cases from specific geographic areas, to address specific violent crime and other local crime problems (including intensive illegal gang, gun and drug enforcement projects and quality of life initiatives), and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

''(2) redeploy existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such personnel; and

''(3) establish programs to assist local prosecutors' offices in the implementation of programs that help them identify and respond to priority crime problems in a community with specifically tailored solutions.

At least 75 percent of the funds made available under this subsection shall be reserved for grants under paragraphs (1) and (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2) and at least 25 percent of the funds shall be reserved for grants under paragraphs (1) and (2) to units of local government with a population of less than 50,000.''.

(f) RETENTION GRANTS.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended by adding at the end the following:

''(d) RETENTION GRANTS.—The Attorney General may use no more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to those that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and

may result in the termination of employment for police officers funded under subsection (b)(1).''.

(g) DEFINITIONS.—

(1) CAREER LAW ENFORCEMENT OFFICER.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ddµ098) is amended by inserting after ''criminal laws'' the following: ''including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community policing efforts.''.

(2) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ddµ098) is amended—

(A) by striking subparagraph (A) and inserting the following:

''(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;'';

(B) by striking subparagraph (E) and inserting the following:

''(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;''; and

(C) by adding at the end the following:

''(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

''(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

''(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

''(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.''.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) by amending subparagraph (A) to read as follows:

''(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

''(i) $1,150,000,000 for fiscal year 2007;

''(ii) $1,150,000,000 for fiscal year 2008;

''(iii) $1,150,000,000 for fiscal year 2009;

''(iv) $1,150,000,000 for fiscal year 2010;

''(v) $1,150,000,000 for fiscal year 2011; and

''(vi) $1,150,000,000 for fiscal year 2012.''; and

(2) in subparagraph (B)—

(A) by striking ''3 percent'' and inserting ''5 percent'';

(B) by striking ''1701(f)'' and inserting ''1701(g)'';

(C) by striking the second sentence and inserting ''Of the remaining funds, if there is a demand for 50 percent of appropriated hiring funds, as determined by eligible hiring applications from law enforcement agencies having jurisdiction over areas with populations exceeding 150,000, no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations less than 150,000 or by public and private entities that serve areas with populations less than 150,000.'';

(D) by striking ''85 percent'' and inserting ''$600,000,000''; and

(E) by striking ''1701(b),'' and all that follows through ''of part Q'' and inserting the following: ''1701 (b) and (c), $350,000,000 to grants for the purposes specified in section 1701(e), and $200,000,000 to grants for the purposes specified in section 1701(f).''.

SEC. 2324. ASSURED COMPENSATION FOR FIRST RESPONDERS INJURED BY EXPERIMENTAL VACCINES AND DRUGS.

(a) REPEAL.—The Public Readiness and Emergency Preparedness Act (division C of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148)) is repealed.

(b) NATIONAL BIODEFENSE INJURY COMPENSATION PROGRAM.—

(1) ESTABLISHMENT.—Section 224 of the Public Health Service Act (42 U.S.C. 233) is amended by adding at the end the following:

''(q) BIODEFENSE INJURY COMPENSATION PROGRAM.—

''(1) ESTABLISHMENT.—There is established the Biodefense Injury Compensation Program (referred to in this subsection as the 'Compensation Program') under which compensation may be paid for death or any injury, illness, disability, or condition that is likely (based on best available evidence) to have been caused by the administration of a covered countermeasure to an individual pursuant to a declaration under subsection (p)(2).

''(2) ADMINISTRATION AND INTERPRETATION.—The statutory provisions governing the Compensation Program shall be administered and interpreted in consideration of the program goals described in paragraph (4)(B)(iii).

''(3) PROCEDURES AND STANDARDS.—The Secretary shall by regulation establish procedures and standards applicable to the Compensation Program that follow the procedures and standards applicable under the National Vaccine Injury Compensation Program established under section 2110, except that the regulations promulgated under this paragraph shall permit a person claiming injury or death related to the administration of any covered countermeasure to file either—

''(A) a civil action for relief under subsection (p); or

''(B) a petition for compensation under this subsection.

''(4) INJURY TABLE.—

''(A) INCLUSION.—For purposes of receiving compensation under the Compensation Program with respect to a countermeasure that is the subject of a declaration under subsection (p)(2), the Vaccine Injury Table under section 2114 shall be deemed to include death and the injuries, disabilities, illnesses, and conditions specified by the Secretary under subparagraph (B)(ii).

''(B) INJURIES, DISABILITIES, ILLNESSES, AND CONDITIONS.—

''(i) INSTITUTE OF MEDICINE.—Not later than 30 days after making a declaration described in subsection (p)(2), the Secretary shall enter into a contract with the Institute of Medicine, under which the Institute shall, within 180 days of the date on which the contract is entered into, and periodically thereafter as new information, including information derived from the monitoring of those who were administered the countermeasure, becomes available, provide its expert recommendations on the injuries, disabilities, illnesses, and conditions whose occurrence in one or more individuals are likely (based on best available evidence) to have been caused by the administration of a countermeasure that is the subject of the declaration.

''(ii) SPECIFICATION BY SECRETARY.—Not later than 30 days after the receipt of the expert recommendations described in clause (i), the Secretary shall, based on such recommendations, specify those injuries, disabilities, illnesses, and conditions deemed to be included in the Vaccine Injury Table under section 2114 for the purposes described in subparagraph (A).

''(iii) PROGRAM GOALS.—The Institute of Medicine, under the contract under clause (i), shall make such recommendations, the Secretary shall specify, under clause (ii), such injuries, disabilities, illnesses, and conditions, and claims under the Compensation Program under this subsection shall be processed and decided taking into account the following goals of such program:

''(I) To encourage persons to develop, manufacture, and distribute countermeasures, and to administer covered countermeasures to individuals, by limiting such persons' liability for damages related to death and such injuries, disabilities, illnesses, and conditions.

''(II) To encourage individuals to consent to the administration of a covered countermeasure by providing adequate and just compensation for damages related to death and such injuries, disabilities, illnesses, or conditions.

''(III) To provide individuals seeking compensation for damages related to the administration of a countermeasure with a non-adversarial administrative process for obtaining adequate and just compensation.

''(iv) USE OF BEST AVAILABLE EVIDENCE.—The Institute of Medicine, under the contract under clause (i), shall make such recommendations, the Secretary shall specify, under clause (ii), such injuries, disabilities, illnesses, and conditions, and claims under the Compensation Program under this subsection shall be processed and decided using the best available evidence, including information from adverse event reporting or other monitoring of those individuals who were administered the countermeasure, whether evidence from clinical trials or other scientific studies in humans is available.

''(v) APPLICATION OF SECTION 2115.—With respect to section 2115(a)(2) as applied for purposes of this subsection, an award for the estate of the deceased shall be—

''(I) if the deceased was under the age of 18, an amount equal to the amount that may be paid to a survivor or survivors as death benefits under the Public Safety Officers' Benefits Program under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.); or

''(II) if the deceased was 18 years of age or older, the greater of—

''(aa) the amount described in subclause (I); or

''(bb) the projected loss of employment income, except that the amount under this item may not exceed an amount equal to 400

percent of the amount that applies under item (aa).

''(vi) APPLICATION OF SECTION 2116.—Section 2116(b) shall apply to injuries, disabilities, illnesses, and conditions initially specified or revised by the Secretary under clause (ii), except that the exceptions contained in paragraphs (1) and (2) of such section shall not apply.

''(C) RULE OF CONSTRUCTION.—Section 13632 (a)(3) of Public Law 103–66 (107 Stat. 646) (making revisions by Secretary to the Vaccine Injury Table effective on the effective date of a corresponding tax) shall not be construed to apply to any revision to the Vaccine Injury Table made under regulations under this paragraph.

''(5) APPLICATION.—The Compensation Program applies to any death or injury, illness, disability, or condition that is likely (based on best available evidence) to have been caused by the administration of a covered countermeasure to an individual pursuant to a declaration under subsection (p)(2).

''(6) SPECIAL MASTERS.—

''(A) HIRING.—In accordance with section 2112, the judges of the United States Claims Court shall appoint a sufficient number of special masters to address claims for compensation under this subsection.

''(B) BUDGET AUTHORITY.—There are appropriated to carry out this subsection such sums as may be necessary for fiscal year 2006 and each fiscal year thereafter. This subparagraph constitutes budget authority in advance of appropriations and represents the obligation of the Federal Government.

''(7) COVERED COUNTERMEASURE.—For purposes of this subsection, the term 'covered countermeasure' has the meaning given to such term in subsection (p)(7)(A).

''(8) FUNDING.—Compensation made under the Compensation Program shall be made from the same source of funds as payments made under subsection (p).''.

(2) EFFECTIVE DATE.—This subsection shall take effect as of November 25, 2002 (the date of enactment of the Homeland Security Act of 2002 (Pub. L. 107–296; 116 Stat. 2135)).

Subtitle D—Strengthening America's Hospitals and Health Agencies

SEC. 2325. STRENGTHENING HOSPITAL EMERGENCY PREPAREDNESS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall carry out activities to ensure that every community in the United States has adequate hospital capacity to respond effectively to a biological attack or a naturally occurring epidemic.

(b) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this section, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report that—

(1) describes whether every community in the United States has adequate hospital capacity to respond effectively to a biological attack or a naturally occurring epidemic and, if not, the reasons for the failure to achieve such result; and

(2) outlines steps the Secretary will take during the 180-day period beginning on the date of the report to ensure that every community in the United States has adequate hospital capacity to respond effectively to a biological attack or a naturally occurring epidemic.

(c) GRANTS.—The Secretary of Health and Human Services shall establish, expand, or improve programs to strengthen hospital emergency preparedness, taking into account the particular needs of hospitals and hospital personnel in different regions, that will—

(1) strengthen and sustain trauma care systems;

(2) enhance emergency department, trauma center, and inpatient surge capacity through training programs, equipment purchases, staff expansion, and other appropriate means;

(3) design and disseminate evidence-based training programs;

(4) enhance decontamination infrastructure including increasing access to—

(A) decontamination showers;

(B) standby intensive care unit capacity;

(C) negative pressure rooms; and

(D) appropriate personal protective equipment; and

(5) periodically evaluate the state of hospital emergency preparedness and make recommendations for improvements to and the sustainability of such programs.

(d) APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated, and there are appropriated, $5,000,000,000 to remain available until expended.

SEC. 2326. TRAINING AND EDUCATION OF PUBLIC HEALTH PROFESSIONALS.

Section 319H of the Public Health Service Act (42 U.S.C. 274d–7a) is amended by—

(1) striking the section heading and inserting ''**TRAINING AND EDUCATION OF PUBLIC HEALTH PROFESSIONALS**'';

(2) striking ''(a) IN GENERAL.—The Secretary'' and inserting the following: ''(a) GRANTS REGARDING TRAINING AND EDUCATION OF CERTAIN PUBLIC HEALTH PROFESSIONALS.—

''(1) IN GENERAL.—The Secretary''.

(3) redesignating subsections (b) and (c) as paragraphs (2) and (3) and indenting appropriately;

(4) in paragraph (2), as so redesignated, by—

(A) striking ''subsection (a)'' and inserting ''paragraph (1)''; and

(B) striking ''such subsection'' each place it appears and inserting ''such paragraph'';

(5) in paragraph (2), by striking ''this section'' and inserting ''this subsection''; and

(6) by adding at the end the following:

''(b) PUBLIC HEALTH WORKFORCE LOAN REPAYMENT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish the Public Health Workforce Loan Repayment Program (referred to in this subsection as the 'Program') to assure an adequate supply of public health professionals to eliminate critical public health preparedness workforce shortages in State, local, and tribal public health agencies.

''(2) ELIGIBILITY.—To be eligible to participate in the Program, an individual shall—

''(A)(i) be accepted for enrollment, or be enrolled, as a full-time or part-time student in an accredited academic educational institution in a State or territory in the final year of a course of study or program offered by that institution leading to a public health degree or other degree suitable for serving in a public health department, as determined by the Secretary;

''(ii) have graduated, within 5 years, from an accredited educational institution in a State or territory and received an undergraduate or master's degree in public health; or

''(iii) be accepted for enrollment, or be enrolled, in a residency program in preventive medicine or public health at an accredited academic educational institution in a State or territory;

''(B)(i) in the case of an individual described clause (i) or (iii) of subparagraph (A), have accepted employment with a State, local, or tribal public health agency, located in a health professional shortage area (as defined in section 332(a)), a medically underserved area or as a medically underserved population (as defined in section 330(b)(3)) as recognized by the Secretary, to commence upon graduation; or

''(ii) in the case of an individual described in subparagraph (A)(ii), be employed by, or have accepted employment with, such a State, local, or tribal public health agency described in clause (i), as recognized by the Secretary;

''(C) be a United States citizen;

''(D) submit an application to the Secretary to participate in the Program; and

''(E) sign and submit to the Secretary, at the time of the submittal of such application, a written contract (described in paragraph (4)) to serve for the applicable period of obligated service in the full-time employment of such a State, local, or tribal public health agency described in clause (i).

''(3) DISSEMINATION OF INFORMATION.—

''(A) APPLICATION AND CONTRACT FORMS.—The Secretary shall disseminate application forms and contract forms to individuals desiring to participate in the Program. The Secretary shall include with such forms—

''(i) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled to recover in the case of the individual's breach of the contract; and

''(ii) information relating to the service obligation and such other information as may be necessary for the individual to understand the individual's prospective participation in the Program.

''(B) INFORMATION FOR SCHOOLS.—The Secretary shall distribute to accredited academic institutions and relevant State, local, and tribal public health agencies described in paragraph (2), materials providing information on the Program and shall encourage such schools, institutions, and agencies to disseminate such materials to potentially eligible students.

''(C) UNDERSTANDABILITY AND TIMING.—The application form, contract form, and all other information furnished by the Secretary under this subsection shall—

''(i) be written in a manner calculated to be understood by the average individual applying to participate in the Program; and

''(ii) be made available by the Secretary on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

''(4) CONTRACT.—The written contract (referred to in this section) between the Secretary and an individual shall contain—

''(A) an agreement on the part of the Secretary that the Secretary will repay on behalf of the individual loans incurred by the individual in the pursuit of the relevant public health degree in accordance with the terms of the contract;

''(B) an agreement on the part of the individual that the individual will serve, immediately upon graduation in the case of an individual described in paragraph (2)(A)(i) or (2)(A)(iii) service, or in the case of an individual described in paragraph (2)(A)(ii) continue to serve, in the full-time employment of a State, local, or tribal public health agency described in paragraph (2) for a period of time (referred to in this subsection as the 'period of obligated service') equal to the greater of—

''(i) 2 years; or

''(ii) such longer period of time as determined appropriate by the Secretary and the individual;

''(C) an agreement, as appropriate, on the part of the individual to relocate for the entire period of obligated service to an area or population described under paragraph (2) in exchange for an additional loan repayment incentive amount that does not exceed 20 percent of the individual's eligible loan repayment award per academic year;

''(D) in the case of an individual described in paragraph (2)(A)(i) or (2)(A)(iii) who is in the final year of study or residency and who has accepted employment with a State, local, or tribal public health agency described in paragraph (2) upon graduation, an agreement on the part of the individual to complete the education or training, maintain an acceptable level of academic standing (as determined by the education institution offering the course of study or training), and agree to the period of obligated service;

''(E) a provision that any financial obligation of the United States arising out of a contract entered into under this subsection and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments under this subsection;

''(F) a statement of the damages to which the United States is entitled, under this section for the individual's breach of the contract; and

''(G) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this subsection.

''(5) PAYMENTS.—

''(A) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Program shall consist of payment, in accordance with subparagraph (B), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate, master's, or graduate medical education of the individual, which loans were made for—

''(i) tuition expenses; or

''(ii) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual.

''(B) PAYMENTS FOR YEARS SERVED.—

''(i) IN GENERAL.—For each year of obligated service that an individual contracts to serve under paragraph (4) the Secretary may pay up to $35,000 on behalf of the individual for loans described in subparagraph (A). The total eligible loan repayment award shall be divided by 2 and repaid in each year of service. If the total eligible loan repayment award is greater than $70,000, the individual may be awarded up to $2917 per month for up to 12 additional months of service.

''(ii) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this paragraph shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

''(C) TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from payments under subparagraph (B) on behalf of an individual—

''(i) the Secretary shall, in addition to such payments, make payments to the individual in an amount not to exceed 39 percent of the total amount of loan repayments made for the taxable year involved; and

''(ii) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

''(D) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Program to establish a schedule for the making of such payments.

''(6) POSTPONING OBLIGATED SERVICE.—With respect to an individual receiving a degree from a school of medicine, public health, nursing, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatry, pharmacy, psychology, or social work, the date of the initiation of the period of obligated service may be postponed, upon the submission by the individual of a petition for such postponement and approval by the Secretary, to the date on which the individual completes an approved internship, residency, or other relevant public health preparedness advanced training program.

''(7) ADMINISTRATIVE PROVISIONS.—

''(A) HIRING PRIORITY.—Notwithstanding any other provision of law, State, local, and tribal public health agencies described in paragraph (2) may give hiring priority to any individual who has qualified for and is willing to execute a contract to participate in the Program.

''(B) EMPLOYMENT CEILINGS.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this subsection, who are serving as full-time employees of a State, local, or tribal public health agency described in paragraph (2), or who are in the last year of public health education or preventive medicine residency, shall not be counted against any employment ceiling affecting the Department or any other Federal agency.

''(8) BREACH OF CONTRACT.—An individual who fails to comply with the contract entered into under paragraph (2) shall be subject to the same financial penalties as provided for under section 338E for breaches of loan repayment contracts under section 338B.

''(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $75,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

SEC. 2327. COMPENSATING HOSPITALS FOR EMERGENCY CARE.

(a) IN GENERAL.—For the purposes of assisting hospitals and certain other emergency care providers to recoup a portion of their expenditures associated with providing emergency and trauma services to individuals without health care coverage, the Secretary of Health and Human Services shall establish a Hospital Emergency Care Fund (referred to in this section as the ''Fund'').

(b) USE OF FUNDS.—To the extent that amounts are appropriated under subsection (c), the Secretary of Health and Human Services shall make payments to health care providers for legitimate uncompensated care provided during a public health emergency (as declared under section 319 of the Public Health Service Act (42 U.S.C. 247d). Payments under the preceding sentence shall not be made to any entity if such entity has received payments from any other source for the services involved, including the individual treated or an insurance company.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Centers for Medicare & Medicaid Services, $50,000,000 for each of fiscal years 2006 through 2010 to be used for the Fund.

SEC. 2328. REGIONAL COORDINATION OF EMERGENCY MEDICAL SERVICES.

(a) IN GENERAL.—To improve and expand emergency medical services and to improve regional coordination, the Secretary of Health and Human Services shall strengthen existing programs and establish new programs in accordance with this section.

(b) DEMONSTRATION GRANT.—

(1) ESTABLISHMENT OF PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Health Resources and Services Administration, in collaboration with the Director of the Centers for Disease Control and Prevention, shall establish an emergency medical care regional coordination demonstration grant program.

(2) PURPOSE.—It is the purpose of the grant program established under paragraph (1) to promote regionalized, coordinated, and accountable emergency care systems throughout the United States. Grants shall be made available to promote the coordination of regional emergency medical and trauma care assets to improve the performance of such systems.

(3) USE OF FUNDS.—Funds made available under this subsection may be used to—

(A) enhance communication to promote coordination of emergency medical and trauma care services and develop centralized communications centers at the State and regional levels;

(B) establish planning functions convening regional or State-wide stakeholders for purposes of improving emergency communication and coordination;

(C) hire consultants and staff to manage such functions;

(D) collect, analyze, and report data related to emergency communication and coordination; and

(E) procure other items required for the development of regionalized, coordinated, and accountable emergency systems.

(4) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive a grant under paragraph (1), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) PREFERENCE.—In awarding grants under this subsection, the Administrator shall give preference to States submitting applications to carry out cross-State collaborative activities that promote regional coordination of care.

(5) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, $88,000,000 to carry out this subsection.

(c) RESTORING EMERGENCY MEDICAL SERVICES.—To restore the capacity of State and local governments to carry out and coordinate emergency medical services-related disaster preparedness activities, there are authorized to be appropriated, and there are appropriated, to the Department of Health and Human Services $687,500,000, of which $100,000,000 shall be made available for fiscal year 2006 and each of the 4 succeeding fiscal years to fund emergency medical services-related disaster preparedness, and of which $37,500,000 shall be made available for fiscal year 2006 and each of the 4 succeeding fiscal years to fund the Emergency Medical Services for Children Program.

(d) COMMISSION.—The Secretary of Health and Human Services shall establish a commission—

(1) to examine the factors responsible for the declining availability of providers in high-risk emergency and trauma care specialties; and

(2) to recommend targeted Federal and State actions to mitigate the adverse impact of the responsible factors and ensure quality of care.

(e) STUDY.—The Secretary of Health and Human Services, in cooperation with Federal agencies involved in emergency and trauma care research, shall—

(1) conduct a study to examine the gaps and opportunities in emergency and trauma care research that considers—

(A) the training of new investigators;

(B) the development of multi-center research networks;

(C) the involvement of emergency medical services;

(D) researchers in the grant review and research advisory processes; and

(E) improved research coordination through a dedicated center or institute; and

(2) recommend a strategy for the optimal organization and funding of emergency and trauma care research efforts.

SEC. 2329. EMERGENCY AND PUBLIC HEALTH PREPAREDNESS EDUCATION.

(a) IN GENERAL.—The Director of the Centers for Disease Control and Prevention, in conjunction with State and local health departments, shall—

(1) revise and expand public health preparedness and emergency response educational materials;

(2) facilitate the use of such materials by health care providers, State and local officials and agencies, and the public;

(3) make use of multiple media, including the Internet, television broadcasts, radio broadcasts, and printed materials; and

(4) coordinate such educational efforts with nonprofit organizations, as appropriate.

(b) TARGETED VACCINE OUTREACH.—The Secretary of Health and Human Services shall establish targeted outreach programs to educate the general public, health care providers, and businesses about the importance of recommended vaccines and vaccines distributed in response to a pandemic, including special programs for outreach to youth with information about annual flu vaccinations, disease prevention, and good health habits.

(c) EMERGENCY RESPONSE EDUCATION.—For the purposes of establishing a well informed public that is capable of an effective and efficient response to a pandemic or other national emergency, the Secretary of Health and Human Services shall establish plans and programs to provide timely, accurate information that will minimize panic and disruption in the case of a national emergency. Such activities shall include—

(1) research on communication and behavioral strategies to assist the general public during public health emergencies; and

(2) education and awareness campaigns for pandemics and other public health emergencies, conducted jointly by Federal agencies and State and local health departments.

(d) APPROPRIATIONS.—For carrying out activities under this section, there are authorized to be appropriated, and there are appropriated, to the Centers for Disease Control and Prevention $50,000,000 to remain available until expended.

SEC. 2330. RESTORING THE CAPACITY OF CDC TO ENHANCE HEALTH SECURITY.

To restore the capacity of the Centers for Disease Control and Prevention to promote public health preparedness, there are authorized to be appropriated $88,000,000, of which—

(1) $25,000,000 shall remain available until expended for the purchase of vaccines under section 317 of the Public Health Service Act (42 U.S.C. 247b);

(2) $30,000,000 shall remain available until expended for the purchase of bulk vaccines to build seasonal market stability;

(3) $11,000,000 shall remain available until expended for environmental health and occupational safety programs; and

(4) $11,000,000 shall remain available until expended for global disease detection programming.

SEC. 2331. SECURING THE HEALTH CARE WORKFORCE.

To restore the capacity of the Health Services and Resources Administration to build the health care and public health workforce and to provide adequate workforce surge capacity during a national emergency, there are authorized to be appropriated (in addition to amounts already appropriated for such purposes) to the Health Services and Resources Administration $416,000,000, of which—

(1) $29,000,000 shall remain available until expended for emergency preparedness of the Area Health Education Centers;

(2) $50,000,000 shall remain available until expended for public health workforce development programs;

(3) $15,000,000 shall remain available until expended for Bioterrorism curriculum development and training;

(4) $75,000,000 shall remain available until expended for programs to enhance the emergency preparedness of Federally-Qualified Health Centers;

(5) $64,000,000 shall remain available until expended for health professions diversity programs;

(6) $100,000,000 shall remain available until expended for the children's graduate medical education program; and

(7) $83,000,000 shall remain available until expended for the Healthy Communities Access Program.

Subtitle E—Responsible Incentives for Manufacturers and Protections for Consumers of New Vaccines and Drugs

SEC. 2335. INDEMNIFICATION FOR MANUFACTURERS AND HEALTH CARE PROFESSIONALS WHO ADMINISTER MEDICAL PRODUCTS NEEDED FOR BIODEFENSE.

Section 224(p) of the Public Health Service Act (42 U.S.C. 233(p)) is amended—

(1) in the subsection heading by striking ''SMALLPOX'';

(2) in paragraph (1), by striking ''against smallpox'';

(3) in paragraph (2)—

(A) in the paragraph heading, by striking ''AGAINST SMALLPOX''; and

(B) in subparagraph (B), by striking clause (ii);

(4) by striking paragraph (3) and inserting the following:

''(3) EXCLUSIVITY; OFFSET.—

''(A) EXCLUSIVITY.—With respect to an individual to which this subsection applies, such individual may bring a claim for relief under—

''(i) this subsection;

''(ii) subsection (q); or

''(iii) part C.

''(B) ELECTION OF ALTERNATIVES.—An individual may only pursue one remedy under subparagraph (A) at any one time based on the same incident or series of incidents. An individual who elects to pursue the remedy under subsection (q) or part C may decline any compensation awarded with respect to such remedy and subsequently pursue the remedy provided for under this subsection. An individual who elects to pursue the remedy provided for under this subsection may not subsequently pursue the remedy provided for under subsection (q) or part C.

''(C) STATUTE OF LIMITATIONS.—For purposes of determining how much time has lapsed when applying statute of limitations requirements relating to remedies under subparagraph (A), any limitation of time for commencing an action, or filing an application, petition, or claim for such remedies, shall be deemed to have been suspended for the periods during which an individual pursues a remedy under such subparagraph.

''(D) OFFSET.—The value of all compensation and benefits provided under subsection (q) or part C of this title for an incident or series of incidents shall be offset against the amount of an award, compromise, or settlement of money damages in a claim or suit under this subsection based on the same incident or series of incidents.'';

(5) in paragraph (6)—

(A) in subparagraph (A), by inserting ''or under subsection (q) or part C'' after ''under this subsection''; and

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A), the following:

''(B) GROSSLY NEGLIGENT, RECKLESS, OR ILLEGAL CONDUCT AND WILLFUL MISCONDUCT.—For purposes of subparagraph (A), grossly negligent, reckless, or illegal conduct or willful misconduct shall include the administration by a qualified person of a covered countermeasure to an individual who was not within a category of individuals covered by a declaration under subsection (p)(2) with respect to such countermeasure where the qualified person fails to have had reasonable grounds to believe such individual was within such a category.''; and

(D) by adding at the end the following:

''(D) LIABILITY OF THE UNITED STATES.—The United States shall be liable under this subsection with respect to a claim arising out of the manufacture, distribution, or administration of a covered countermeasure regardless of whether—

''(i) the cause of action seeking compensation is alleged as negligence, strict liability, breach of warranty, failure to warn, or other action; or

''(ii) the covered countermeasure is designated as a qualified anti-terrorism technology under the SAFETY Act (6 U.S.C. 441 et seq.).''

''(E) GOVERNING LAW.—Notwithstanding the provisions of section 1346(b)(1) and chapter 171 of title 28, United States Code, as they relate to governing law, the liability of the United States as provided in this subsection shall be in accordance with the law of the place of injury.

''(F) MILITARY PERSONNEL AND UNITED STATES CITIZENS OVERSEAS.—

''(i) MILITARY PERSONNEL.—The liability of the United States as provided in this subsection shall extend to claims brought by United States military personnel.

''(ii) CLAIMS ARISING IN A FOREIGN COUNTRY.—Notwithstanding the provisions of section 2680(k) of title 28, United States Code, the liability of the United States as provided for in the subsection shall extend to claims based on injuries arising in a foreign country where the injured party is a member of the United States military, is the spouse or child of a member of the United States military, or is a United States citizen.

''(iii) GOVERNING LAW.—With regard to all claims brought under clause (ii), and notwithstanding the provisions of section 1346(b)(1) and chapter 171 of title 28, United States Code, and of subparagraph (C), as they relate to governing law, the liability of the United States as provided in this subsection shall be in accordance with the law of the claimant's domicile in the United States or most recent domicile with the United States.''; and

(6) in paragraph (7)—

(A) by striking subparagraph (A) and inserting the following:

''(A) COVERED COUNTERMEASURE.—The term 'covered countermeasure', means—

''(i) a substance that is—

''(I)(aa) used to prevent or treat smallpox (including the vaccinia or another vaccine); or

''(bb) vaccinia immune globulin used to control or treat the adverse effects of vaccinia inoculation; and

''(II) specified in a declaration under paragraph (2); or

''(ii) a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act), biological product (as such term is defined in section 351(i) of this Act), or device (as such term is defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act) that—

''(I) the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to treat, identify, or prevent harm from any biological, chemical, radiological, or nuclear agent identified as a material threat under section 319F–092(c)(2)(A)(ii), or to treat, identify, or prevent harm from a condition that may result in adverse health consequences or

death and may be caused by administering a drug, biological product, or device against such an agent;

''(II) is—

''(aa) authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act, so long as the manufacturer of such drug, biological product, or device has—

''(AA) made all reasonable efforts to obtain applicable approval, clearance, or licensure; and

''(BB) cooperated fully with the requirements of the Secretary under such section 564; or

''(bb) approved or licensed solely pursuant to the regulations under subpart I of part 314 or under subpart H of part 601 of title 21, Code of Federal Regulations (as in effect on the date of enactment of the National Biodefense Act of 2005); and

''(III) is specified in a declaration under paragraph (2).''; and

(B) in subparagraph (B)—

(i) by striking clause (ii), and inserting the following:

''(ii) a health care entity, a State, or a political subdivision of a State under whose auspices such countermeasure was administered;'' and

(ii) in clause (viii), by inserting before the period ''if such individual performs a function for which a person described in clause (i), (ii), or (iv) is a covered person''.

SEC. 2336. PROHIBITING PRICE GOUGING ON NEEDED MEDICINES.

Section 319F-2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended by adding at the end the following:

''(g) UNFAIR OR DECEPTIVE ACTS OR PRACTICES IN COMMERCE RELATED TO TREATMENTS.—

''(1) SALES TO CONSUMERS AT UNCONSCIONABLE PRICE.—

''(A) IN GENERAL.—During any public health emergency declared by the Secretary under section 319, it shall be unlawful for any person to sell any drug (including an anti-viral drug), device, or biologic for the prevention or treatment of the disease or condition that is the subject of such declaration in, or for use in, the area to which that declaration applies at a price that—

''(i) is unconscionably excessive (as determined by the Secretary); or

''(ii) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

''(B) FACTORS TO BE CONSIDERED.—In determining whether a violation of subparagraph (A) has occurred, a court shall take into account, among other factors, whether—

''(i) the amount charged represents a gross disparity between the price of a drug, device, or biologic and the price at which the drug, device, or biologic was offered for sale in the usual course of the seller's business immediately prior to the public health emergency involved; or

''(ii) the amount charged grossly exceeds the price at which the same or similar drug, device, or biologic was readily obtainable by other purchasers in the area in which the declaration applies.

''(C) MITIGATING FACTORS.—In determining whether a violation of subparagraph (A) has occurred, the court shall take into account, among other factors, the price that would reasonably equate supply and demand in a competitive and freely functioning market and whether the price at which the drug, device, or biologic was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

''(2) FALSE PRICING INFORMATION.—It shall be unlawful for any person to report information related to the wholesale price of any drug, device, or biologic to the Secretary if—

''(A) that person knew, or reasonably should have known, the information to be false or misleading;

''(B) the information was required by law to be reported; and

''(C) the person intended the false or misleading data to affect data compiled by the department or agency involved for statistical or analytical purposes with respect to the market for drugs, devices, or biologics for the prevention or treatment of influenza.

''(3) MARKET MANIPULATION.—It shall be unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of drugs, devices, or biologics at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Secretary may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.''.

TITLE XXIV—PROTECTING TAXPAYERS

SEC. 2401. REPORTS ON METRICS FOR MEASURING SUCCESS IN GLOBAL WAR ON TERRORISM.

(a) REQUIREMENT FOR REPORTS.—The Comptroller General of the United States shall submit to Congress reports on the metrics for use in tracking and measuring acts of global terrorism, international counterterrorism efforts, and the success of United States counterterrorism policies and practices including specific, replicable definitions, criteria, and standards of measurement to be used for the following:

(1) Counting and categorizing acts of international terrorism.

(2) Monitoring counterterrorism efforts of foreign governments.

(3) Monitoring financial support provided to terrorist groups.

(4) Assessing the success of United States counterterrorism policies and practices.

(b) SCHEDULE OF REPORTS.—The Comptroller General shall submit to Congress an initial report under subsection (a) not later than 1 year after the date of the enactment of this Act and a second report not later than 1 year after the date on which the initial report is submitted.

SEC. 2402. PROHIBITION ON PROFITEERING.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1A1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts

''(a) PROHIBITION.—

''(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with a war, military action, or relief or reconstruction activities within the jurisdiction of the United States Government, knowingly and willfully—

''(A)(i) executes or attempts to execute a scheme or artifice to defraud the United States; or

''(ii) materially overvalues any good or service with the specific intent to defraud and excessively profit from the war, military action, or relief or reconstruction activities;

shall be fined under paragraph (2), imprisoned not more than 20 years, or both; or

''(B)(i) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(ii) makes any materially false, fictitious, or fraudulent statements or representations; or

''(iii) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry;

shall be fined under paragraph (2) imprisoned not more than 10 years, or both.

''(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

''(A) $1,000,000; or

''(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts.''.

(b) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting ''1039,'' after ''1032,''.

(c) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1039''.

(d) RICO.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: '', section 1039 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts)'' after ''liquidating agent of financial institution),''.

TITLE XXV—OTHER MATTERS

SEC. 2501. SENSE OF CONGRESS ON MILITARY COMMISSIONS FOR THE TRIAL OF PERSONS DETAINED IN THE GLOBAL WAR ON TERRORISM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Constitution of the United States grants to Congress the power ''To define and punish . . . Offenses against the Law of Nations'', as well as the power ''To declare War . . . To raise and support Armies . . . [and] To provide and maintain a Navy.''.

(2) On November 13, 2001, the President issued a military order establishing military commissions to try individuals detained in the global war on terrorism.

(3) On June 29, 2006, the Supreme Court held in *Hamdan v. Rumsfeld* (126 S. Ct. 2749 (2006)) that—

(A) the authority to establish military commissions ''can derive only from the powers granted jointly to the President and Congress in time of war'';

(B) the military commission established by the President to try Hamdan ''lacks the power to proceed'' because the procedures governing the commission departed impermissibly from the procedures governing courts martial and the requirements of Common Article 3 of the Geneva Conventions; and

(C) procedures governing military commissions may depart from the procedures governing courts martial ''only if some practical need explains deviations from court-martial practice''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) aliens detained by the United States who are alleged to have violated the law of war should be tried for their offenses;

(2) it is in the national interest for Congress to exercise its authority under the Constitution to enact legislation authorizing and regulating the use of military commissions to try and punish offenders against the law of war;

(3) procedures established by Congress for the use of military commissions should be consistent with the decision of the Supreme Court in *Hamdan v. Rumsfeld*;

(4) in drafting legislation for the use of military commissions, the Committees on Armed Services of the Senate and the House of Representatives should take into account the views of professional military lawyers who have experience in prosecuting, defending, and judging cases under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice);

(5) the Committee on Armed Services of the Senate is drafting a bipartisan proposal on military commissions that reflects the views of senior military lawyers, and this process must be allowed to move forward; and

(6) as the Judge Advocate General of the Navy explained in testimony before the Committee on Armed Services of the Senate on July 13, 2006, ''[w]e need to think in terms of the long view, and to always put our own sailors, soldiers, Marines, and airmen in the place of an accused when we're drafting these rules to ensure that these rules are acceptable when we have someone in a future war who faces similar rules''.

DIVISION C—INTELLIGENCE AUTHORIZATIONS

SEC. 3001. SHORT TITLE.

This division may be cited as the ''Intelligence Authorization Act for Fiscal Year 2007''.

TITLE XXXI—INTELLIGENCE ACTIVITIES

SEC. 3101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. 3102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 3101, and the authorized personnel ceilings as of September 30, 2007, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Ninth Congress and in the Classified Annex to such report as incorporated in this division under section 3103.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 3103. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Select Committee on Intelligence of the Senate to accompany its report on the bill S. ___ of the One Hundred Ninth Congress and transmitted to the President is hereby incorporated into this division.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF DIVISION.—Unless otherwise specifically stated, the amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this division.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this division that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 3104. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2007 under section 3102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 3105. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2007 the sum of $648,952,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 3102(a) for advanced research and development shall remain available until September 30, 2008.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1,575 full-time personnel as of September 30, 2007. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 2102(a). Such additional amounts for research and development shall remain available until September 30, 2008.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2007, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2007 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

SEC. 3106. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill _____ of the One Hundred Ninth Congress, or in the classified annex to this division, is hereby incorporated into this division, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 3107. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2006 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

(c) STUDY ON DISCLOSURE OF ADDITIONAL INFORMATION.—

(1) IN GENERAL.—The Director of National Intelligence shall conduct a study to assess the advisability of disclosing to the public amounts as follows:

(A) The aggregate amount of appropriations requested in the budget of the President for each fiscal year for each element of the intelligence community.

(B) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for each fiscal year for each element of the intelligence community.

(2) REQUIREMENTS.—The study required by paragraph (1) shall—

(A) address whether or not the disclosure to the public of the information referred to in that paragraph would harm the national security of the United States; and

(B) take into specific account concerns relating to the disclosure of such information

for each element of the intelligence community.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to Congress a report on the study required by paragraph (1).

SEC. 3108. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

''RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

''SEC. 508. (a) REQUESTS OF COMMITTEES.—The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall, not later than 15 days after receiving a request for any intelligence assessment, report, estimate, legal opinion, or other intelligence information from the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, or any other committee of Congress with jurisdiction over the subject matter to which information in such assessment, report, estimate, legal opinion, or other information relates, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

''(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) Upon making a request covered by paragraph (1)—

''(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

''(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.

''(c) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a) or (b), the Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new item:

''Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.''.

TITLE XXXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 3201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.

TITLE XXXIII—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 3301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 3302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 3303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking ''other'' the second place it appears.

SEC. 3304. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) CLARIFICATION OF DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES TO INCLUDE ALL MEMBERS OF COMMITTEES.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting '', and includes each member of the Select Committee'' before the semicolon; and

(2) in subparagraph (B), by inserting '', and includes each member of the Permanent Select Committee'' before the period.

(b) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) IN GENERAL.—Section 502 of such Act (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) NOTICE ON INFORMATION NOT DISCLOSED.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees and requests that such information not be provided in full or to all members of the congressional intelligence committees, the Director shall, in a timely fashion—

''(A) notify all the members of such committees of the determination not to provide such information in full or to all members of such committees, as the case may be, including a statement of the reasons for such determination; and

''(B) submit, in writing, to all the members of such committees a summary of the intelligence activities covered by such determination that provides sufficient information to permit such members to assess the legality, benefits, costs, and advisability of such activities.

''(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.''.

(2) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''.

(c) REPORTS AND NOTICE ON COVERT ACTIONS.—

(1) FORM AND CONTENT OF CERTAIN REPORTS.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' after ''(b)''; and

(C) by adding at the end the following new paragraph:

''(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

''(A) A concise statement of any facts pertinent to such report.

''(B) An explanation of the significance of the covert action covered by such report.''.

(2) NOTICE ON INFORMATION NOT DISCLOSED.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

''(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b)(2) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided in full or to all members of the congressional intelligence committees, for the reason specified in paragraph (2), the Director shall, in a timely fashion—

''(A) notify all the members of such committees of the determination not to provide such information in full or to all members of such committees, as the case may be, including a statement of the reasons for such determination; and

''(B) submit, in writing, to all the members of such committees a summary of the covert action covered by such determination that provides sufficient information to permit such members to assess the legality, benefits, costs, and advisability of such covert action.''.

(3) MODIFICATION OF NATURE OF CHANGE OF COVERT ACTION TRIGGERING NOTICE REQUIREMENTS.—Subsection (d) of such section is amended by striking ''significant'' the first place it appears.

SEC. 3305. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting ''(1)'' before ''The Director'';

(2) in paragraph (1), by striking ''may only delegate'' and all that follows and inserting ''may delegate the authority in subsection (a) to the head of any other element of the intelligence community.''; and

(3) by adding at the end the following new paragraph:

''(2) The head of an element of the intelligence community to whom the authority in

subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.''.

(b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 3306. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

''(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 3307. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting ''the congressional intelligence committees have been fully and currently informed of such activity and if'' after ''only if'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.''.

SEC. 3308. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(b) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''ten years''.

SEC. 3309. RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

''RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

''SEC. 1103. (a) AUTHORITY TO RETAIN AMOUNTS PAID.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the head of an element of the intelligence community may retain amounts paid or reimbursed to the United States, including amounts paid by an employee of the Federal Government from personal funds, for repayment of a debt owed to the element of the intelligence community.

''(b) CREDITING OF AMOUNTS RETAINED.—(1) Amounts retained under subsection (a) shall be credited to the current appropriation or account from which such funds were derived or whose expenditure formed the basis for the underlying activity from which the debt concerned arose.

''(2) Amounts credited to an appropriation or account under paragraph (1) shall be merged with amounts in such appropriation or account, and shall be available in accordance with subsection (c).

''(c) AVAILABILITY OF AMOUNTS.—Amounts credited to an appropriation or account under subsection (b) with respect to a debt owed to an element of the intelligence community shall be available to the head of such element, for such time as is applicable to amounts in such appropriation or account, or such longer time as may be provided by law, for purposes as follows:

''(1) In the case of a debt arising from lost or damaged property of such element, the repair of such property or the replacement of such property with alternative property that will perform the same or similar functions as such property.

''(2) The funding of any other activities authorized to be funded by such appropriation or account.

''(d) DEBT OWED TO AN ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term 'debt owed to an element of the intelligence community' means any of the following:

''(1) A debt owed to an element of the intelligence community by an employee or former employee of such element for the negligent or willful loss of or damage to property of such element that was procured by such element using appropriated funds.

''(2) A debt owed to an element of the intelligence community by an employee or former employee of such element as repayment for default on the terms and conditions associated with a scholarship, fellowship, or other educational assistance provided to such individual by such element, whether in exchange for future services or otherwise, using appropriated funds.

''(3) Any other debt or repayment owed to an element of the intelligence community by a private person or entity by reason of the negligent or willful action of such person or entity, as determined by a court of competent jurisdiction or in a lawful administrative proceeding.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new item:

''Sec. 1103. Retention and use of amounts paid as debts to elements of the intelligence community.''.

SEC. 3310. PILOT PROGRAM ON DISCLOSURE OF RECORDS UNDER THE PRIVACY ACT RELATING TO CERTAIN INTELLIGENCE ACTIVITIES.

(a) IN GENERAL.—Subsection (b) of section 552a of title 5, United States Code, is amended—

(1) in paragraph (11), by striking ''or'' at the end;

(2) in paragraph (12), by striking the period and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(13) to an element of the intelligence community set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))—

''(A) by another element of the intelligence community that maintains the record, if the record is relevant to a lawful and authorized foreign intelligence or counterintelligence activity conducted by the receiving element of the intelligence community and pertains to an identifiable individual or, upon the authorization of the Director of National Intelligence (or a designee of the Director in a position not lower than Deputy Director of National Intelligence), other than an identifiable individual; or

''(B) by any other agency that maintains the record, if—

''(i) the head of the element of the intelligence community makes a written request to that agency specifying the particular portion of the record that is relevant to a lawful and authorized activity of the element of the intelligence community to protect against international terrorism or the proliferation of weapons of mass destruction; or

''(ii) the head of that agency determines that—

''(I) the record, or particular portion thereof, constitutes terrorism information (as that term is defined in section 1016(a)(4) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458)) or information concerning the proliferation of weapons of mass destruction; and

''(II) the disclosure of the record, or particular portion thereof, will be to an element of the intelligence community authorized to collect and analyze foreign intelligence or counterintelligence information related to international terrorism or the proliferation of weapons of mass destruction.''.

(b) EXEMPTION FROM CERTAIN PRIVACY ACT REQUIREMENTS FOR RECORD ACCESS AND ACCOUNTING FOR DISCLOSURES.—Elements of the intelligence community set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) receiving a disclosure under subsection (b)(13) of section 552a of title 5, United States Code, shall not be required to comply with subsection (c)(3), (c)(4), or (d) of such section 552a with respect to such disclosure, or the records, or portions thereof, disclosed under subsection (b)(13) of such section 552a.

(c) CONSULTATION ON DETERMINATIONS OF INFORMATION TYPE.—Such section is further amended by adding at the end the following new subsection:

''(w) AUTHORITY TO CONSULT ON DETERMINATIONS OF INFORMATION TYPE.—When determining for purposes of subsection (b)(13)(B)(ii) whether a record constitutes terrorism information (as that term is defined in section 1016(a)(4)) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3665)) or information concerning the proliferation of weapons of mass destruction, the head of an agency may consult with the Director of National Intelligence or the Attorney General.''.

(d) CONSTRUCTION.—Nothing in the amendments made by this section shall be deemed to constitute authority for the receipt, collection, or retention of information unless the receipt, collection, or retention of such information by the element of the intelligence community concerned is otherwise authorized by the Constitution, laws, or Executive orders of the United States.

(e) RECORDKEEPING REQUIREMENTS.—

(1) RETENTION OF REQUESTS.—Any request made by the head of an element of the intelligence community to another department or agency of the Federal Government under paragraph (13)(B)(i) of section 552a(b) of title 5, United States Code (as added by subsection (a)), shall be retained by such element of the intelligence community in a manner consistent with the protection of intelligence sources and methods. Any request

so retained should be accompanied by an explanation that supports the assertion of the element of the intelligence community requesting the record that the information was, at the time of request, relevant to a lawful and authorized activity to protect against international terrorism or the proliferation of weapons of mass destruction.

(2) ACCESS TO RETAINED REQUESTS.—An element of the intelligence community retaining a request, and any accompanying explanation, under paragraph (1) shall, consistent with the protection of intelligence sources and methods, provide access to such request, and any accompanying explanation, to the following:

(A) The head of the department or agency of the Federal Government receiving such request, or the designee of the head of such department or agency, if—

(i) the access of such official to such request, and any accompanying explanation, is consistent with the protection of intelligence sources and methods;

(ii) such official is appropriately cleared for access to such request, and any accompanying explanation; and

(iii) the access of such official to such request, and any accompanying explanation, is necessary for the performance of the duties of such official.

(B) The Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives.

(C) The Inspector General of any element of the intelligence community having jurisdiction over the matter.

(f) REPORTS.—

(1) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter through the termination of this section and the amendments made by this section under subsection (j), the Director of National Intelligence and the Attorney General, in coordination with the Privacy and Civil Liberties Oversight Board, shall jointly submit to the appropriate committees of Congress a report on the administration of this section and the amendments made by this section.

(2) FINAL REPORT.—Not later than six months before the date specified in subsection (j), the Director of National Intelligence and the Attorney General, in coordination with the Privacy and Civil Liberties Oversight Board, shall jointly submit to the appropriate committees of Congress a report on administration of this section and the amendments made by this section. The report shall include the recommendations of the Director and the Attorney General, as they consider appropriate, regarding the continuation in effect of such amendments after such date.

(3) REVIEW AND REPORT BY PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Not later than six months before the date specified in subsection (j), the Privacy and Civil Liberties Oversight Board shall—

(A) review the administration of the amendments made by this section; and

(B) in a manner consistent with section 1061(c)(1) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3684; 5 U.S.C. 601 note), submit to the appropriate committees of Congress a report providing such advice and counsel on the administration of this section and the amendments made by this section as the Board considers appropriate.

(4) FORM OF REPORTS.—Each report under this subsection shall, to the maximum extent practicable, be submitted in unclassified form. Any classified annex included with such a report shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(g) GUIDELINES.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Attorney General and the Director of National Intelligence shall, in consultation with the Secretary of Defense and other appropriate officials, jointly prescribe guidelines governing the implementation and exercise of the authorities provided in this section and the amendments made by this section.

(2) ELEMENTS.—The guidelines prescribed under paragraph (1) shall—

(A) ensure that the authorities provided under paragraph (13) of section 552a(b) of title 5, United States Code (as added by subsection (a)), are implemented in a manner that protects the rights under the Constitution of United States persons;

(B) direct that all applicable policies and procedures governing the receipt, collection, retention, analysis, and dissemination of foreign intelligence information concerning United States persons are appropriately followed; and

(C) provide that the authorities provided under paragraph (13) of section 552a(b) of title 5, United States Code (as so added), are implemented in a manner consistent with existing laws, regulations, and Executive orders governing the conduct of intelligence activities.

(3) FORM.—The guidelines prescribed under paragraph (1) shall be unclassified, to the maximum extent practicable, but may include a classified annex.

(4) SUBMITTAL TO CONGRESS.—The guidelines prescribed under paragraph (1) shall be submitted to the appropriate committees of Congress. Any classified annex included with such guidelines shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of the issuance of the guidelines required by subsection (g).

(2) CERTAIN REQUIREMENTS.—Subsections (f) and (g) shall take effect on the date of the enactment of this Act.

(i) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

(j) TERMINATION.—This section and the amendments made by this section shall cease to have effect on the date that is three years after the date of the issuance of the guidelines required by subsection (g).

SEC. 3311. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

''(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

''(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 3312. AVAILABILITY OF FUNDS FOR TRAVEL AND TRANSPORTATION OF PERSONAL EFFECTS, HOUSEHOLD GOODS, AND AUTOMOBILES.

(a) FUNDS OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—Funds appropriated to the Office of the Director of National Intelligence and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(b) FUNDS OF CENTRAL INTELLIGENCE AGENCY.—Funds appropriated to the Central Intelligence Agency and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(c) TRAVEL AND TRANSPORTATION EXPENSES DEFINED.—In this section, the term ''travel and transportation expenses'' means the following:

(1) Expenses in connection with travel of personnel, including travel of dependents.

(2) Expenses in connection with transportation of personal effects, household goods, or automobiles of personnel.

SEC. 3313. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148).

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

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal opinions of any office or official of the Department of Justice about the meaning or application of Detainee Treatment Act of 2005 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) DEFINITIONS.—In this section:

(1) The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee of the House of Representatives.

(2) The term ''intelligence community'' means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 3314. REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(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.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall 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.

SEC. 3315. SENSE OF CONGRESS ON ELECTRONIC SURVEILLANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) United States government authorities should have the legal authority to engage in electronic surveillance of any telephone conversation in which one party is reasonably believed to be a member or agent of a terrorist organization.

(2) Absent emergency or other appropriate circumstances, domestic electronic surveillance should be subject to judicial review in order to protect the privacy of law abiding Americans with no ties to terrorism.

(3) The Foreign Intelligence Surveillance Act of 1978 (FISA) authorizes the President to obtain a warrant for the electronic surveillance of any telephone conversation in which one party is reasonably believed to be a member or agent of a terrorist organization. That Act also establishes procedures for engaging in electronic surveillance without a warrant on a temporary basis when emergency circumstances make obtaining a warrant impractical.

(4) During the quarter century since the enactment of the Foreign Intelligence Surveillance Act of 1978, the Foreign Intelligence Surveillance Court has issued a warrant for electronic surveillance in response to all but 5 of the approximately 19,000 applications for such a warrant.

(5) Congress has amended the Foreign Intelligence Surveillance Act of 1978 numerous times, including six times since September 11, 2001, to streamline the procedures for obtaining a warrant from the Foreign Intelligence Surveillance Court.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives must be fully briefed on the history, operation, and usefulness of the warrantless wiretapping program carried out by the National Security Agency;

(2) Congress should modify the Foreign Intelligence Surveillance Act of 1978 as needed to ensure that the government may engage in electronic surveillance of telephone conversations in which one party is reasonably believed to be a member or agent of a terrorist organization;

(3) the requirement that the government must, absent emergency or other appropriate circumstances, obtain a judicial warrant prior to engaging in electronic surveillance of a United States person should remain in place to protect the privacy of law abiding Americans with no ties to terrorism; and

(4) the President is not above the law and must abide by congressionally-enacted procedures for engaging in electronic surveillance.

TITLE XXXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 3401. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following the following new subparagraphs:

''(G) in carrying out this subsection, have the authority—

''(i) to direct the development, deployment, and utilization of systems of common concern for elements of the intelligence community, or that support the activities of such elements, related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

''(ii) without regard to any provision of law relating to the transfer, reprogramming, obligation, or expenditure of funds, other than the provisions of this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458), to expend funds for purposes associated with the development, deployment, and utilization of such systems, which funds may be received and utilized by any department, agency, or other element of the United States Government for such purposes; and

''(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).''.

SEC. 3402. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting before the period the following: '', any Deputy Director of National Intelligence, or the Chief Information Officer of the Intelligence Community''.

SEC. 3403. AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE TO MANAGE ACCESS TO HUMAN INTELLIGENCE INFORMATION.

Section 102A(b) of the National Security Act of 1947 (50 U.S.C. 403–1(b)) is amended—

(1) by inserting ''(1)'' before ''Unless''; and

(2) by adding at the end the following new paragraph:

''(2) The Director of National Intelligence shall—

''(A) have access to all national intelligence, including intelligence reports, operational data, and other associated information, concerning the human intelligence operations of any element of the intelligence community authorized to undertake such collection;

''(B) consistent with the protection of intelligence sources and methods and applicable requirements in Executive Order 12333 (or any successor order) regarding the retention and dissemination of information concerning United States persons, ensure maximum access to the intelligence information contained in the information referred to in subparagraph (A) throughout the intelligence community; and

''(C) consistent with subparagraph (B), provide within the Office of the Director of National Intelligence a mechanism for intelligence community analysts and other officers with appropriate clearances and an official need-to-know to gain access to information referred to in subparagraph (A) or (B) when relevant to their official responsibilities.''.

SEC. 3404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in clause (i) or (ii) of subparagraph (A), in the performance of the responsibilities, authorities, and duties of the Director of National Intelligence or the Office of the Director of National Intelligence—

''(A) the Director may authorize the use of interagency financing for—

''(i) national intelligence centers established by the Director under section 119B; and

''(ii) boards, commissions, councils, committees, and similar groups established by the Director; and

''(B) upon the authorization of the Director, any department, agency, or element of the United States Government, including any element of the intelligence community, may fund or participate in the funding of such activities.

''(2) No provision of law enacted after the date of the enactment of this subsection shall be deemed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.''.

SEC. 3405. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) by striking ''**with**'' and inserting ''**of headquarters with headquarters of**'';

(2) by inserting ''the headquarters of'' before ''the Office''; and

(3) by striking ''any other element'' and inserting ''the headquarters of any other element''.

SEC. 3406. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting ''and prioritize'' after ''coordinate''; and

(2) by adding at the end the following new paragraph:

''(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.''.

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) by redesignating paragraph (5) as paragraph (8); and

(C) by inserting after paragraph (4) the following new paragraphs:

''(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

''(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

''(7) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and''; and

(2) by adding at the end the following new subsection:

''(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

''(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

''(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

''(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

''(A) are consistent with current or future national intelligence requirements;

''(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

''(C) take into account funding constraints in program development and acquisition; and

''(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').''.

(c) REPORT.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) The report may be submitted in classified form.

SEC. 3407. APPOINTMENT AND TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) APPOINTMENT.—

(1) IN GENERAL.—Subsection (a) of section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended by striking ''the President, by and with the advice and consent of the Senate'' and inserting ''the Director of National Intelligence''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any appointment of an individual as Chief Information Officer of the Intelligence Community that is made on or after that date.

(b) TITLE.—Such section is further amended—

(1) in subsection (a), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(2) in subsection (b), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(3) in subsection (c), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(4) in subsection (d), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'' the first place it appears.

SEC. 3408. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

''(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

''(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

''(A) the programs and operations of the intelligence community;

''(B) the elements of the intelligence community within the National Intelligence Program; and

''(C) the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;

''(2) recommend policies designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and operations, and in such relationships; and

''(B) to prevent and detect fraud and abuse in such programs, operations, and relationships;

''(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

''(A) significant problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

''(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

''(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

''(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

''(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to the programs

and operations of the intelligence community, the elements of the intelligence community within the National Intelligence Program, and the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

''(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in such relationships, and to report the progress made in implementing corrective action;

''(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

''(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

''(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

''(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

''(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

''(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

''(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

''(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

''(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

''(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve which Inspector General shall conduct such investigation, inspection, or audit.

''(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

''(3)(A) If an investigation, inspection, or audit covered by paragraph (1) is conducted by an Inspector General other than the Inspector General of the Intelligence Community, the Inspector General of the Intelligence Community may, upon completion of such investigation, inspection, or audit by such other Inspector General, conduct under this section a separate investigation, inspection, or audit of the matter concerned if the Inspector General of the Intelligence Community determines that such initial investigation, inspection, or audit was deficient in some manner or that further investigation, inspection, or audit is required.

''(B) This paragraph shall not apply to the Inspector General of the Department of Defense or to any other Inspector General within the Department of Defense.

''(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

''(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively.

''(B) Each report under this paragraph shall include, at a minimum, the following:

''(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

''(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

''(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

''(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

''(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and operations undertaken by the intelligence community, and in the relationships between elements of the intelligence community, and to detect and eliminate fraud and abuse in such programs and operations and in such relationships.

''(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration and implementation of programs or operations of the intelligence community or in the relationships between elements of the intelligence community.

''(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

''(3) In the event that—

''(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

''(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

''(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

''(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

''(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

''(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

''(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

''(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

''(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.''.

(2) The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Inspector General of the Intelligence Community.''.

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Inspector General of the Intelligence Community.''.

SEC. 3409. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking ''(a) ESTABLISHMENT.—'' and inserting the following:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The''; and

(2) by adding at the end the following new paragraphs:

''(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

''(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.''.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

''(9) The Chief Information Officer of the Intelligence Community.

''(10) The Inspector General of the Intelligence Community.

''(11) The Director of the National Counterterrorism Center.

''(12) The Director of the National Counter Proliferation Center.''.

SEC. 3410. NATIONAL SPACE INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding after section 119B the following new section:

''NATIONAL SPACE INTELLIGENCE CENTER

''SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Center.

''(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE CENTER.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Center.

''(c) MISSIONS.—The National Space Intelligence Center shall have the following missions:

''(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

''(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

''(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

''(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

''(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Center has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Center to carry out the missions of the Center under subsection (c).

''(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Center.''.

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 119B the following new item:

''Sec. 119C. National Space Intelligence Center.''.

(b) REPORT ON ORGANIZATION OF CENTER.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Center shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Center established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Center.

(B) An identification of key participants in the Center.

(C) A strategic plan for the Center during the five-year period beginning on the date of the report.

SEC. 3411. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by inserting before section 701 the following new section:

''OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

''SEC. 700. (a) EXEMPTION OF CERTAIN FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) Information and records described in paragraph (2) shall be exempt from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure in connection therewith when—

''(A) such information or records are not disseminated outside the Office of the Director of National Intelligence; or

''(B) such information or records are incorporated into new information or records created by personnel of the Office in a manner that identifies such new information or records as incorporating such information or records and such new information or records are not disseminated outside the Office.

''(2) Information and records described in this paragraph are the following:

''(A) Information disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the operational files of an element of the intelligence community that have been exempted from search, review, publication, or disclosure in accordance with this title or any other provision of law.

''(B) Any information or records created by the Office that incorporate information described in subparagraph (A).

''(3) An operational file of an element of the intelligence community from which information described in paragraph (2)(A) is disseminated or provided to the Office of the Director of National Intelligence as described in that paragraph shall remain exempt from search, review, publication, or disclosure under section 552 of title 5, United States Code, to the extent the operational files from which such information was derived remain exempt from search, review, publication, or disclosure under section 552 of such title.

''(b) SEARCH AND REVIEW OF CERTAIN FILES.—Information disseminated or otherwise provided to the Office of the Director of National Intelligence by another element of the intelligence community that is not exempt from search, review, publication, or disclosure under subsection (a), and that is authorized to be disseminated outside the Office, shall be subject to search and review under section 552 of title 5, United States Code, but may remain exempt from publication and disclosure under such section by the element disseminating or providing such information to the Office to the extent authorized by such section.

''(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

''(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

''(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

''(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

''(A) The Select Committee on Intelligence of the Senate.

''(B) The Permanent Select Committee on Intelligence of the House of Representatives.

''(C) The Intelligence Oversight Board.

''(D) The Department of Justice.

''(E) The Office of the Director of National Intelligence.

''(F) The Office of the Inspector General of the Intelligence Community.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting before the item relating to section 701 the following new item:

''Sec. 700. Operational files in the Office of the Director of National Intelligence.''.

SEC. 3412. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e–1) is amended to read as follows:

''(a) AUTHORITY FOR PAYMENT OF AWARDS.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

''(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.''.

(b) REPEAL OF OBSOLETE AUTHORITY.—That section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) EXPEDITIOUS PAYMENT.—That section is further amended by adding at the end the following new subsection (d):

''(d) EXPEDITIOUS PAYMENT.—Payment of an award under this authority in this section shall be made as expeditiously as is practicable after the making of the award.''.

(d) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (b), by striking ''to the Central Intelligence Agency or to the Intelligence Community Staff'' and inserting ''to the Office of the Director of National Intelligence or to the Central Intelligence Agency''; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence or Director of the Central Intelligence Agency''.

(e) TECHNICAL AND STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b)—

(A) by inserting ''PERSONNEL ELIGIBLE FOR AWARDS.—''after ''(b)'';

(B) by striking ''subsection (a) of this section'' and inserting ''subsection (a)''; and

(C) by striking ''a date five years before the date of enactment of this section'' and inserting ''December 9, 1978''; and

(2) in subsection (c), as so redesignated, by inserting ''PAYMENT AND ACCEPTANCE OF AWARDS.—'' after ''(c)''.

SEC. 3413. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (g), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (k), (l), and (m) as subsections (d), (e), (f), (g), and (h), respectively.

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 3414. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or'';

(2) in paragraph (2), by striking the period and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) the Office of the Director of National Intelligence.''.

SEC. 3415. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 3416. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) AUTHORITY TO EXEMPT.—The Director of National Intelligence may prescribe regulations to exempt any system of records within the Office of the Director of National Intelligence from the applicability of the provisions of subsections (c)(3), (c)(4), and (d) of section 552a of title 5, United States Code.

(b) PROMULGATION REQUIREMENTS.—In prescribing any regulations under subsection (a), the Director shall comply with the requirements (including general notice requirements) of subsections (b), (c), and (e) of section 553 of title 5, United States Code.

Subtitle B—Central Intelligence Agency

SEC. 3421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) APPOINTMENT OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended by inserting ''from civilian life'' after ''who shall be appointed''.

(b) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Such section is further amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

''(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.''.

(c) CONFORMING AMENDMENT.—Paragraph (2) of subsection (d) of such section, as redesignated by subsection (b)(1) of this section, is further amended by striking ''subsection (d)'' and inserting ''subsection (e)''.

(d) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Deputy Director of the Central Intelligence Agency.''.

(e) ROLE OF DNI IN APPOINTMENT.—Section 106(a)(2) of the National Security Act of 1947 (50 U.S.C. 403–6) is amended by adding at the end the following new subparagraph:

''(C) The Deputy Director of the Central Intelligence Agency.''.

(f) MILITARY STATUS OF INDIVIDUAL SERVING AS DIRECTOR OF CENTRAL INTELLIGENCE AGENCY OR ADMINISTRATIVELY PERFORMING DUTIES OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) A commissioned officer of the Armed Forces who is serving as the Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act shall not, while continuing in such service, or in the administrative performance of such duties, after that date—

(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

(2) Except as provided in subparagraph (A) or (B) of paragraph (1), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

(3) A commissioned officer described in paragraph (1), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.

(g) EFFECTIVE DATE AND APPLICABILITY.—

(1) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendment made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply upon the occurrence of any act creating a vacancy in the position of Director of the Central Intelligence Agency after such date, except that if the vacancy occurs by resignation from such position of the individual serving in such position on such date, that individual may continue serving in such position after such resignation until the individual appointed to succeed such resigning individual as Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position.

(2) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendments made by subsections (b) through (e) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 3422. ENHANCED PROTECTION OF CENTRAL INTELLIGENCE AGENCY INTELLIGENCE SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE.

(a) RESPONSIBILITY OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY UNDER NATIONAL SECURITY ACT OF 1947.—Subsection (e) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 3421(b)(1) of this Act, is further amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) protect intelligence sources and methods of the Central Intelligence Agency from

unauthorized disclosure, consistent with any direction issued by the President or the Director of National Intelligence; and''.

(b) PROTECTION UNDER CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking ''section 102A(i)'' and all that follows through ''unauthorized disclosure'' and inserting ''sections 102A(i) and 104A(e)(4) of the National Security Act of 1947 (50 U.S.C. 403–1(i), 403–4a(e)(4))''.

(c) CONSTRUCTION WITH EXEMPTION FROM REQUIREMENT FOR DISCLOSURE OF INFORMATION TO PUBLIC.—Section 104A(e)(4) of the National Security Act of 1947, as amended by subsection (a), and section 6 of the Central Intelligence Agency Act of 1949, as amended by subsection (b), shall be treated as statutes that specifically exempt from disclosure the matters specified in such sections for purposes of section 552(b)(3) of title 5, United States Code.

(d) TECHNICAL AMENDMENTS TO CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended—

(1) in the subsection caption, by striking ''OF DCI'';

(2) by striking ''section 102A(i)'' and inserting ''sections 102A(i) and 104A(e)(4)'';

(3) by striking ''of National Intelligence''; and

(4) by inserting ''of the Central Intelligence Agency'' after ''methods''.

SEC. 3423. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) ADDITIONAL EXCEPTION.—Subsection (h) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 3421(b)(1) of this Act, is further amended—

(1) in paragraph (1)—

(A) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(B) by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(2) in paragraph (2), by striking ''position or category of positions'' each place it appears and inserting ''individual, individuals, position, or category of positions''; and

(3) by adding at the end the following new paragraph:

''(3) Paragraph (1) shall not apply to any individual in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency who is serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of the Senior Intelligence Service.''.

(b) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) by striking the first sentence and inserting the following new sentence: ''The Director of the Central Intelligence Agency shall submit to Congress a report that identifies individuals who, or positions within the Senior Intelligence Service in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency that, are determined by the Director to require a waiver under subsection (h) of section 104A of the National Security Act of 1947, as added by subsection (a) and redesignated by section 421(b)(1) of the Intelligence Authorization Act for Fiscal Year 2007.''; and

(2) in the second sentence—

(A) by striking ''section 104A(g)(2), as so added'' and inserting ''subsection (h)(2) of section 104A, as so added and redesignated''; and

(B) by striking ''position or category of positions'' and inserting ''individual, individuals, position, or category of positions''.

SEC. 3424. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in subparagraph (A), as so designated—

(A) by striking ''and the protection'' and inserting ''the protection''; and

(B) by striking the semicolon and inserting '', and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and''; and

(3) by adding at the end the following new subparagraph:

''(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;''.

SEC. 3425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) The recommendations of the Director regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term ''Air America'' means Air America, Incorporated.

(2) The term ''associated company'' means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 3431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''terminated either by'' and all that follows and inserting ''terminated—

''(i) by the Agency due to misconduct by the employee;

''(ii) by the employee voluntarily; or

''(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and''.

(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

SEC. 3432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

''SEC. 20. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

''(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

''(A) any offense against the United States committed in the presence of such personnel; or

''(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

''(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

''(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

''(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.''.

SEC. 3433. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting ''the Defense Intelligence Agency,'' after ''the Corporation for Public Broadcasting,'';

(2) by inserting ''the National Geospatial-Intelligence Agency,'' after ''the National Endowment for the Arts,''; and

(3) by inserting ''the National Reconnaissance Office, the National Security Agency,'' after ''the National Labor Relations Board,''.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

''(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.''.

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of that Act—

(1) by inserting ''(1)'' after ''(d)'';

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking ''The head'' and inserting ''Except as provided in paragraph (2), the head''; and

(3) by adding at the end the following new paragraph:

''(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

''(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

''(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

''(D) The elements of the intelligence community specified in this subparagraph are as follows:

''(i) The Defense Intelligence Agency.

''(ii) The National Geospatial-Intelligence Agency.

''(iii) The National Reconnaissance Office.

''(iv) The National Security Agency.

''(E) The committees of Congress specified in this subparagraph are—

''(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

''(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SEC. 3434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. (a) There is a Director of the National Security Agency.

''(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.''.

(b) DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.''.

(c) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—

(1) DESIGNATION OF POSITIONS.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) COVERED POSITIONS.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) EFFECTIVE DATE AND APPLICABILITY.—(1) The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 3435. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also analyze, disseminate, and incorporate into the National System for Geospatial-Intelligence, likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information.

''(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.''; and

(3) in paragraph (3), as so redesignated, by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''.

SEC. 3436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2007, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 3441. FOREIGN LANGUAGE INCENTIVE FOR CERTAIN NON-SPECIAL AGENT EMPLOYEES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY TO PAY INCENTIVE.—The Director of the Federal Bureau of Investigation may pay a cash award authorized by section 4523 of title 5, United States Code, in accordance with the provisions of such section, to any employee of the Federal Bureau of Investigation described in subsection (b) as if such employee were a law enforcement officer as specified in such section.

(b) COVERED EMPLOYEES.—An employee of the Federal Bureau of Investigation described in this subsection is any employee of the Federal Bureau of Investigation—

(1) who uses foreign language skills in support of the analyses, investigations, or operations of the Bureau to protect against international terrorism or clandestine intelligence activities (or maintains foreign language skills for purposes of such support); and

(2) whom the Director of the Federal Bureau of Investigation, subject to the joint guidance of the Attorney General and the Director of National Intelligence, may designate for purposes of this section.

SEC. 3442. AUTHORITY TO SECURE SERVICES BY CONTRACT FOR THE BUREAU OF INTELLIGENCE AND RESEARCH OF THE DEPARTMENT OF STATE.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by inserting after section 23 the following new section:

''SERVICES BY CONTRACT FOR BUREAU OF INTELLIGENCE AND RESEARCH

''SEC. 23A. (a) AUTHORITY TO ENTER INTO CONTRACTS.—The Secretary may enter into contracts with individuals or organizations for the provision of services in support of the mission of the Bureau of Intelligence and Research of the Department of State if the Secretary determines that—

''(1) the services to be procured are urgent or unique; and

''(2) it would not be practicable for the Department to obtain such services by other means.

''(b) TREATMENT AS EMPLOYEES OF THE UNITED STATES GOVERNMENT.—(1) Individuals employed under a contract pursuant to the authority in subsection (a) shall not, by virtue of the performance of services under such contract, be considered employees of the United States Government for purposes of any law administered by the Office of Personnel Management.

''(2) The Secretary may provide for the applicability to individuals described in paragraph (1) of any law administered by the Secretary concerning the employment of such individuals.

''(c) CONTRACT TO BE APPROPRIATE MEANS OF SECURING SERVICES.—The chief contracting officer of the Department of State shall ensure that each contract entered into by the Secretary under this section is the appropriate means of securing the services to be provided under such contract.''.

SEC. 3443. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and

(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.

SEC. 3444. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

TITLE XXXV—OTHER MATTERS

SEC. 3501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking ''section'' and inserting ''subsection'';

(B) in subsection (d)—

(i) in paragraph (3), by striking ''subparagraph (A)'' in the matter preceding subparagraph (A) and inserting ''paragraph (1)(A)'';

(ii) in paragraph (5)(A), by striking ''or personnel'' in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(D) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION''.

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)''.

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''.

SEC. 3502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs''; and

(2) in subsection (d)(1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs''.

SEC. 3503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice''.

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''; and

(B) in subsection (h), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''.

(3) In section 1071(e), by striking ''(1)''.

(4) In section 1072(b), by inserting ''AGENCY'' after ''INTELLIGENCE''.

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting ''of'' before ''an institutional culture'';

(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''.

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 3504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking ''Director of Central Intelligence'' each place it appears in a provision as follows and inserting ''Director of National Intelligence'':

(1) Section 193(d)(2).

(2) Section 193(e).

(3) Section 201(a).

(4) Section 201(b)(1).

(5) Section 201(c)(1).

(6) Section 425(a).

(7) Section 431(b)(1).

(8) Section 441(c).

(9) Section 441(d).

(10) Section 443(d).

(11) Section 2273(b)(1).

(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' each place it appears in a provision as follows and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE'':

(1) Section 441(c).

(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of the Central Intelligence Agency''.

SEC. 3505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking ''authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under subsections (d), (e), (f), and (g) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).''.

SEC. 3506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking ''FOREIGN''; and

(2) by striking ''foreign'' each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

''SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.''.

SEC. 3507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

SEC. 3508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears in a provision as follows and inserting ''National Geospatial-Intelligence Agency'':

(A) Section 2302(a)(2)(C)(ii).

(B) Section 3132(a)(1)(B).

(C) Section 4301(1) (in clause (ii)).

(D) Section 4701(a)(1)(B).

(E) Section 5102(a)(1) (in clause (x)).

(F) Section 5342(a)(1) (in clause (K)).

(G) Section 6339(a)(1)(E).

(H) Section 7323(b)(2)(B)(i)((XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking ''National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency''.

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking ''National Imagery and Mapping Agency'' both places it appears and inserting ''National Geospatial-Intelligence Agency''.

(B) The heading of such section is amended to read as follows:

''§1336. National Geospatial-Intelligence Agency: special publications''.

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

''1336. National Geospatial-Intelligence Agency: special publications.''.

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(f) OTHER ACTS.—(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

DIVISION D—TRANSPORTATION SECURITY

TITLE LXI—RAIL SECURITY

SEC. 4101. SHORT TITLE.

This title may be cited as the ''Rail Security Act of 2006''.

SEC. 4102. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY AND RISK ASSESSMENT.—The Secretary of Homeland Security shall establish a task force, consisting of representatives of the Transportation Security Administration, the Department of Transportation, and other appropriate Federal agencies, which shall complete a vulnerability and risk assessment of freight and passenger rail transportation (including 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 Secretary of Homeland Security will work with the entities describe in subsection (b) and make use of existing expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate Federal agencies;

(B) the identification and evaluation of critical assets and infrastructures;

(C) the identification of vulnerabilities and risks to those assets and infrastructures;

(D) the identification of vulnerabilities and risks that are specific to the transportation of hazardous materials by railroad;

(E) the 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 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 of Homeland Security, 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 under 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.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives. The report shall contain the assessment, prioritized recommendations, and plans required under subsection (a) and an estimate of the cost to implement such recommendations. 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 of Homeland Security, 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.—From the funds appropriated for fiscal year 2007, pursuant to section 114(u) of title 49, United States Code (as added by section 4117(a)), $5,000,000 shall be made available to the Secretary of Homeland Security to carry out this section.

SEC. 4103. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c), the Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration, may award grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, D.C.;

(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 provided to Amtrak under subsection (a) for projects contained in an Amtrak 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 of Homeland Security shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 4102, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) FUNDING.—

(1) IN GENERAL.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 4117(a)), there shall be made available to the

Secretary of Homeland Security and the Assistant Secretary of the Transportation Security Administration to carry out this section—

(A) $63,500,000 for fiscal year 2007;

(B) $30,000,000 for fiscal year 2008; and

(C) $30,000,000 for fiscal year 2009.

(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 4104. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, may award grants to Amtrak for fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, Baltimore, and Washington, D.C.

(b) FUNDING.—From the funds appropriated pursuant to section 4117(b), there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a)—

(1) $190,000,000 for each of the fiscal years 2007, 2008, and 2009 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;

(2) $19,000,000 for each of the fiscal years 2007, 2008, and 2009 for the Baltimore & Potomac and Union tunnels, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades; and

(3) $13,333,000 for each of the fiscal years 2007, 2008, and 2009 for the Union Station tunnels in Washington, D.C., to improve ventilation, communication, lighting, and passenger egress upgrades.

(c) INFRASTRUCTURE UPGRADES.—From the funds appropriated for fiscal year 2007, pursuant to section 4117(b), $3,000,000 shall be made available to the Secretary of Transportation 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 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.—

(1) INITIAL REVIEW.—Not later than 45 days after the date on which a plan required by paragraphs (1) and (2) of subsection (e) is submitted by Amtrak, the Secretary of Transportation shall complete a review of the plan and approve or disapprove the plan. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies.

(2) SUBMISSION OF MODIFIED PLAN.—Not later than 30 days after receiving notification from the Secretary under paragraph (1), Amtrak shall submit a modified plan for the Secretary's review.

(3) REVIEW OF MODIFIED PLAN.—Not later than 15 days after receiving additional information on items previously included in the plan, and not later than 45 days after receiving items newly included in a modified plan, the Secretary shall—

(A) approve the modified plan; or

(B) if the Secretary finds the plan is still incomplete or deficient—

(i) submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that describes the portions of the plan the Secretary finds incomplete or deficient;

(ii) approve all other portions of the plan; and

(iii) obligate the funds associated with those other portions.

(4) AGREEMENT.—Not later than 15 days after the partial approval of a modified plan under paragraph (3), the Secretary shall execute an agreement with Amtrak that describes a process for resolving the remaining portions of the modified plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary of Transportation, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a), shall—

(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. 4105. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary of Homeland Security, through the Assistant Secretary of the Transportation Security Administration and other appropriate Federal agencies, may award grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges, research centers, and State and local governments (for rail passenger facilities and infrastructure not owned by 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 4102, 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 international border between the United States and Mexico, the international border between the United States and Canada, 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 4102, including infrastructure, facilities, and equipment upgrades.

(b) GRANTS TO AMTRAK.—The Secretary of Homeland Security, through the Secretary of Transportation, may award grants to Amtrak for the purposes described in subsection (a).

(c) ACCOUNTABILITY.—The Secretary of Homeland Security 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) ALLOCATION.—The Secretary of Homeland Security shall distribute the funds made available under this section based on risk and vulnerability as determined under section 4102. The Secretary shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall take into account passenger volume and whether a station is used by commuter rail passengers and intercity rail passengers.

(e) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (b) unless Amtrak meets the conditions set forth in section 4103(b).

(f) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless the Secretary of Homeland Security determines, based on the assessment required under section 4102, that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, a grant may not be awarded under this section—

(1) to Amtrak in an amount in excess of $45,000,000; or

(2) for the purposes described in paragraph (3) or (5) of subsection (a) in an amount in excess of $80,000,000.

(g) FUNDING.—

(1) IN GENERAL.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 4117(a)), $100,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

(h) HIGH HAZARD MATERIALS DEFINED.—In this title, 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 of Homeland Security, in consultation with the Secretary of Transportation, determines pose a security risk.

SEC. 4106. 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 the Transportation Security Administration, in consultation with the Secretary of Transportation shall carry out a research and development program to improve freight and intercity passenger rail security. The program 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; 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 4102.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary of Homeland Security shall ensure that the research and development program established under 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 sponsoring a research and development project in a similar area as of the date of the enactment of this Act; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) GRANTS AND ACCOUNTABILITY.—In carrying out the research and development program established under this section, the Secretary of Homeland Security—

(1) may award grants to the entities described in subsections (a) and (b) of section 4105; and

(2) shall adopt necessary procedures, including audits, to ensure that grant funds disbursed under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) FUNDING.—

(1) IN GENERAL.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 4117(a)), $35,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 4107. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Homeland Security may expend not more than 0.5 percent of the amounts made available for capital projects under this title—

(1) to enter into contracts for the review of proposed capital projects and related program management plans;

(2) to oversee construction of such projects; and

(3) to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

(b) PROCEDURES FOR GRANT AWARD.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe procedures and schedules for the awarding of grants under this title, including—

(A) application and qualification procedures (including a requirement that the applicant have a security plan);

(B) a record of decision on applicant eligibility; and

(C) the execution of a grant agreement between the grant recipient and the Secretary.

(2) CONSISTENCY.—The procedures prescribed under this subsection shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

SEC. 4108. 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 inserting after section 24313 the following:

"§ 24314. 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 a plan to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security that addresses 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 submitted by Amtrak under subsection (a) shall include 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 not later than 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—

''(A) the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control;

''(B) 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

''(C) any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for not less than 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.—From the funds appropriated for fiscal year 2007 pursuant to section 4117(b) of the Rail Security Act of 2006, $500,000 shall be made available to the Secretary of Transportation for the use of Amtrak to carry out this section. Amounts made available under 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 inserting after the item relating to section 24313 the following:

''24314. Plan to assist families of passengers involved in rail passenger accidents.''.

SEC. 4109. NORTHERN BORDER RAIL PASSENGER REPORT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration, the Secretary of Transportation, heads of other appropriate Federal agencies, and the National Railroad Passenger Corporation, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives 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 pre-screened 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. 4110. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the 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—

(1) the 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; and

(8) any other subject the Secretary considers to be appropriate.

(c) RAILROAD CARRIER SECURITY TRAINING PROGRAMS.—

(1) IN GENERAL.—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.

(2) PROGRAM 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.

(3) RAILROAD CARRIER RESPONSE.—A railroad carrier shall respond to the Secretary's comments not later than 30 days after receiving such comments.

(d) TRAINING.—

(1) IMPLEMENTATION.—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.

(2) REPORT.—The Secretary shall review implementation of the training program of a representative sample of railroad carriers and submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that contains 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. 4111. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following:

''§ 20116. Whistleblower protection for rail security matters

''(a) DISCRIMINATION AGAINST EMPLOYEE.—A rail carrier engaged in interstate or foreign commerce may not 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;

''(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.—

''(1) IN GENERAL.—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 of such Act 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.

''(2) DAMAGES.—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), 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) 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 20115 the following:

''20116. Whistleblower protection for rail security matters.''.

SEC. 4112. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration and the Secretary of Transportation, shall require rail carriers transporting a high hazard material and of a quantity equal or exceeding the quantities of such material listed in section 172.800, title 49, Code of Federal 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 described in subsection (a) shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security not later than 60 days after the date of the enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary not later than 180 days after the rail carrier 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 not later than 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation, shall review each plan developed under this section and submit comments to the railroad carrier concerning any revisions that the Secretary considers to be necessary. A railroad carrier shall respond to the Secretary's comments not later than 30 days after receiving such comments. Each rail carrier shall update and resubmit its plan for review not less than once every 2 years.

(d) DEFINITIONS.—In this section:

(1) HIGH-CONSEQUENCE TARGET.—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) CATASTROPHIC IMPACT ZONE.—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) RAIL CARRIER.—The term ''rail carrier'' has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 4113. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Not later than 1 year after the date of the 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 Department of Transportation and the Department of Homeland Security signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the each department in addressing railroad transportation security matters, including the processes each department 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. 4114. 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.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of the Transportation Security Administration, shall review the rail regulations of the Department of Transportation in existence as of the date of the enactment of this Act to identify areas in which such regulations need to be revised to improve rail security.

SEC. 4115. PUBLIC AWARENESS.

(a) IN GENERAL.—Not later than 90 days after the date of the 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.

(b) CONTENTS.—The plan developed under this section shall—

(1) be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security; and

(2) 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.

(c) IMPLEMENTATION.—Not later than 9 months after the date of the enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. 4116. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section 4106 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration, shall develop a program that will encourage the equipping of rail cars transporting high hazard materials in quantities equal to or greater than the quantities listed in section 172.800 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.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 4117(a)), $3,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

SEC. 4117. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

''(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security 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 20116 and 24314 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 LXII—MASS TRANSIT SECURITY

SEC. 4201. SHORT TITLE.

This title may be cited as the ''Public Transportation Terrorism Prevention Act of 2006''.

SEC. 4202. 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. 4203. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of the 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, 2007, 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 4304, 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, 2007, 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 4304.

(5) UPDATES.—Not later than July 31, 2008, 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, 2007, 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. 4204. 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 4203(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 4203(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 4203(a)(4); and

(F) other appropriate security improvements identified under section 4203(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. 4205. 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. 4206. 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. 4207. REPORTING REQUIREMENTS.

(a) SEMI-ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31 and September 30 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 4203 through 4206;

(B) the amount of funds appropriated to carry out the provisions of each of sections 4203 through 4206 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 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. 4208. 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 4204(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 4204(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 4205.

(d) RESEARCH.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section 4206, which shall remain available until expended.

SEC. 4209. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2010.

TITLE LXIII—AVIATION SECURITY

SEC. 4301. INAPPLICABILITY OF LIMITATION ON EMPLOYMENT OF PERSONNEL WITHIN TRANSPORTATION SECURITY ADMINISTRATION TO ACHIEVE AVIATION SECURITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the conditions set forth in subsection (b) are met, the Secretary of Homeland Security is not required to—

(1) comply with any statutory limitation on the number of employees in the Transportation Security Administration (referred to in this section as the ''TSA''), whether before or after the transfer of the TSA from the Department of Transportation to the Department of Homeland Security; or

(2) comply with any administrative rule or regulation imposing a limitation on the recruitment or employment of personnel in the TSA to a maximum number of permanent positions.

(b) CONDITIONS.—The conditions set forth in this subsection are met if the enforcement or compliance with a limitation, rule, or regulation described in subsection (a) would prevent the Secretary of Homeland Security from recruiting and employing in the TSA such personnel as may be necessary—

(1) to provide the highest levels of aviation security; and

(2) to accomplish the objective specified in paragraph (1) in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to less than 10 minutes.

SEC. 4302. AVIATION RESEARCH AND DEVELOPMENT FOR EXPLOSIVE DETECTION.

(a) ADVANCED EXPLOSIVES DETECTION SYSTEMS.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of the Transportation Security Administration, and in consultation with the Secretary of Transportation, shall, in carrying out research and development on the detection of explosive materials at airport security checkpoints, focus on the detection of explosive materials, including liquid explosives, in a manner that—

(1) improves the ability of airport security technologies to determine which items could—

(A) threaten safety;

(B) be used as an explosive; or

(C) assembled into an explosive device; and

(2) results in the development of an advanced screening technology that incorporates existing technologies into a single screening system.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(A) $200,000,000 for fiscal year 2008; and

(B) $250,000,000 for fiscal year 2009.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 4303. AVIATION REPAIR STATION SECURITY.

(a) CERTIFICATION OF FOREIGN REPAIR STATIONS SUSPENSION.—Beginning on the date that is 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, unless the Under Secretary for Border and Transportation Security has issued final regulations, pursuant to section 44924(f) of title 49, United States Code, to ensure the security of foreign and domestic aircraft repair stations.

(b) 6-MONTH DEADLINE FOR SECURITY REVIEW AND AUDIT.—Section 44924 of title 49, United States Code, is amended by striking ''18 months'' each place it appears and inserting ''6 months''.

DIVISION E—A NEW DIRECTION IN IRAQ

TITLE LI—UNITED STATES POLICY ON IRAQ

SEC. 5001. UNITED STATES POLICY ON IRAQ.

(a) SHORT TITLE.—This section may be cited as the ''United States Policy on Iraq Act of 2006''.

(b) FINDINGS.—Congress makes the following findings:

(1) Global terrorist networks, including those that attacked the United States on September 11, 2001, continue to threaten the national security of the United States and are recruiting, planning, and developing capabilities to attack the United States and its allies throughout the world.

(2) Winning the fight against terrorist networks requires an integrated, comprehensive effort that uses all facets of power of the United States and the members of the international community who value democracy, freedom, and the rule of law.

(3) The United States Armed Forces, particularly the Army and Marine Corps, are stretched thin, and many soldiers and Marines have experienced three or more deployments to combat zones.

(4) Sectarian violence has surpassed the insurgency and terrorism as the main security threat in Iraq, increasing the prospects of a broader civil war which could draw in Iraq's neighbors.

(5) United States and coalition forces have trained and equipped more than 129,000 Iraqi soldiers, sailors, and airmen, and more than 165,000 Iraqi police, highway patrol, and other Ministry of Interior forces.

(6) Of the 106 operational Iraqi Army combat battalions, 85 are either in the lead or operating independently, according to the August 2006 report of the Administration to Congress entitled ''Measuring Stability and Security in Iraq'';

(7) Congress expressed its sense in the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3466) that ''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 United States forces from Iraq''.

(8) Iraq's security forces are heavily infiltrated by sectarian militia, which has greatly increased sectarian tensions and impeded the development of effective security services loyal to the Iraq Government.

(9) With the approval by the Iraqi Council of Representatives of the ministers of defense, national security, and the interior on June 7, 2006, the entire cabinet of Prime Minister Maliki is now in place.

(10) Pursuant to the Iraq Constitution, the Council of Representatives is to appoint a Panel which will have 4 months to recommend changes to the Iraq Constitution.

(11) Despite pledges of more than $8,000,000,000 in assistance for Iraq by foreign governments other than the United States at the Madrid International Donors' Conference in October 2003, only $3,500,000,000 of such assistance has been forthcoming.

(12) The current open-ended commitment of United States forces in Iraq is unsustainable and a deterrent to the Iraqis making the political compromises and personnel and resource commitments that are needed for the stability and security of Iraq.

(c) SENSE OF CONGRESS.—It is the sense of Congress that in order to change course from an open-ended commitment and to promote the assumption of security responsibilities by the Iraqis, thus advancing the chances for success in Iraq—

(1) the following actions need to be taken to help achieve the broad-based and sustainable political settlement so essential for defeating the insurgency and preventing all-out civil war—

(A) there must be a fair sharing of political power and economic resources among all the Iraqi groups so as to invest them in the formation of an Iraqi nation by either amendments to the Iraq Constitution or by legislation or other means, within the timeframe provided for in the Iraq Constitution;

(B) the President should convene an international conference so as to more actively involve the international community and Iraq's neighbors, promote a durable political settlement among Iraqis, reduce regional interference in Iraq's internal affairs, encourage more countries to contribute to Iraq's extensive needs, and ensure that pledged funds are forthcoming;

(C) the Iraq Government should promptly and decisively disarm the militias and remove those members of the Iraqi security forces whose loyalty to the Iraq Government is in doubt; and

(D) the President should—

(i) expedite the transition of United States forces in Iraq to a limited presence and mission of training Iraqi security forces, providing logistic support of Iraqi security forces, protecting United States infrastructure and personnel, and participating in targeted counterterrorism activities;

(ii) after consultation with the Government of Iraq, begin the phased redeployment of United States forces from Iraq this year; and

(iii) submit to Congress a plan by the end of 2006 with estimated dates for the continued phased redeployment of United States forces from Iraq, with the understanding that unexpected contingencies may arise;

(2) during and after the phased redeployment of United States forces from Iraq, the United States will need to sustain a nonmilitary effort to actively support reconstruction, governance, and a durable political solution in Iraq; and

(3) the President should carefully assess the impact that ongoing United States military operations in Iraq are having on the capability of the United States Government to conduct an effective counterterrorism campaign to defeat the broader global terrorist networks that threaten the United States.

TITLE LII—SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING

SEC. 5101. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

SEC. 5102. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the ''Special Committee'').

SEC. 5103. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

SEC. 5104. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. 5105. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this title, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. 5106. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. 5107. REPORTS.

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section 5103 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section 5103.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 5108. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) COMPENSATION.—

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. 5109. TERMINATION.

The Special Committee shall terminate on July 1, 2008.

SEC. 5110. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

SA 4937. Mr. DORGAN (for himself and Mr. SCHUMER) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. FOREIGN OWNERSHIP OF PORTS.

(a) IN GENERAL.—On and after the date of the enactment of this Act, the United States Trade Representative may not negotiate any bilateral or multilateral trade agreement that limits the Congress in its ability to restrict the operations or ownership of United States ports by a foreign country or person.

(b) OPERATIONS AND OWNERSHIP.—For purposes of this section, the term ''operations and ownership'' includes—

(1) operating and maintaining docks;

(2) loading and unloading vessels directly to or from land;

(3) handling marine cargo;

(4) operating and maintaining piers;

(5) ship cleaning;

(6) stevedoring;

(7) transferring cargo between vessels and trucks, trains, pipelines, and wharves; and

(8) waterfront terminal operations.

SA 4938. Mr. SCHUMER submitted an amendment to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, between lines 2 and 3, insert the following:

SEC. 206. CONTAINER SCANNING TECHNOLOGY GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—The Secretary, acting through the Under Secretary for Science and Technology, shall award grants, on a competitive basis, to public and private entities to develop technologies and devices that will detect or prevent nuclear threats, including—

(1) underwater or water surface devices;

(2) devices that can be mounted on cranes and straddle cars used to move cargo within ports;

(3) scanning and imaging technology; and

(4) devices such as scintillation-based detection equipment capable of signaling the presence of nuclear or radiological materials.

(b) CONSIDERATIONS.—In awarding grants under this section, the Secretary shall consider—

(1) the extent to which the security device will be effective in preventing or defending against potential terrorist threats;

(2) the potential for widespread and rapid deployment of the device at ports;

(3) the cost of the completed device; and

(4) the accuracy and efficiency of the device compared to existing devices.

(c) FUNDING.—

(1) CONTAINER SECURITY RESEARCH FEE.—

(A) AUTHORIZATION.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a system for collecting an additional fee from shippers of containers entering the United States in an amount sufficient to fully fund the grant program established under this section. All amounts collected pursuant to this subparagraph shall be deposited into the Container Security Research Trust Fund.

(B) CONTAINER SECURITY RESEARCH TRUST FUND.—There is established in the Treasury of the United States a trust fund, to be known as the ''Container Security Research Trust Fund'', consisting of such amounts as are collected pursuant to subparagraph (A).

(2) APPROPRIATIONS.—Subject to the availability of funds, there are appropriated $250,000,000 from the Container Security Research Trust Fund for each of the fiscal years 2007 and 2008 to carry out the grant program established under this section.

SA 4939. Mr. KERRY (for himself, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. CLINTON, Mr. AKAKA, Mr. KENNEDY, Ms. CANTWELL, Ms. SNOWE, Mr. NELSON of Florida, Mr. INOUYE, Mr. SMITH, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 18 and 19, insert the following:

(B) in subparagraph (E), by striking ''describe the'' and inserting ''provide a strategy and timeline for conducting'';

On page 8, line 19, strike ''(B)'' and insert ''(C)''.

On page 8, line 21, strike ''(C)'' and insert ''(D)''.

On page 8, line 23, strike ''(D)'' and insert ''(E)''.

On page 20, line 12, strike ''may'' and insert ''shall''.

On page 22, between lines 16 and 17, insert the following:

(c) TRAINING PARTNERS.—In developing and delivering training under the Program, the Secretary, in coordination with the Maritime Administration of the Department of Transportation and consistently with section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note), shall—

(1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and non-governmental emergency responder providers or commercial seaport personnel and management; and

(2) utilize, as appropriate, government training facilities, courses provided by community colleges, public safety academies, State and private universities, and other facilities.

On page 22, line 20, strike ''may'' and insert ''shall''.

SA 4940. Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. MENENDEZ, Mr. SCHUMER, Mrs. CLINTON, and Mr. REED) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ——. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY.

(a) IN GENERAL.—Notwithstanding any provision of law to the contrary, any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, does not apply after the date of enactment of this Act.

(b) AVIATION SECURITY.—Nothwithstanding any provision of law imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, the Secretary of Homeland Security shall recruit and hire such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of less than 10 minutes.

SA 4941. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

TITLE —IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

SEC. —100. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Transportation Security Improvement Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —100. Short title; table of contents.
Sec. —101. Written plans for hazardous materials highway routing.
Sec. —102. Motor carrier high hazard material tracking.
Sec. —103. Hazardous materials security inspections and enforcement.
Sec. —104. Truck security assessment.
Sec. —105. National public sector response system.
Sec. —106. Over-the-road bus security assistance.
Sec. —107. Pipeline security and incident recovery plan.
Sec. —108. Pipeline security inspections and enforcement.

SEC. —101. WRITTEN PLANS FOR HAZARDOUS MATERIALS HIGHWAY ROUTING.

Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall require each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain a written route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title.

SEC. —102. MOTOR CARRIER HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS—

(1) IN GENERAL.—Consistent with the findings of the Transportation Security Administration's Hazmat Truck Security Pilot Program and within 6 months after the date of enactment of this Act, the Secretary of Homeland Security, through the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to encourage the equipping of motor carriers transporting high hazard materials in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless communications technology that provides—

(A) continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(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 motor carrier tracking at the Department of Transportation; and

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004.

(b) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

SEC. —103. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans required under part 172, title 49, Code of Federal Regulations, within 180 days after the date of enactment of this Act. In establishing the program, the Secretary shall ensure that—

(1) the program does not subject carriers to unnecessarily duplicative reviews of their security plans by the 2 departments; and

(2) a common set of standards is used to review the security plans.

(b) CIVIL PENALTY.—The failure, by a shipper, carrier, or other person subject to part 172 of title 49, Code of Federal Regulations, to comply with any applicable section of that part within 180 days after being notified by the Secretary of such failure to comply, is punishable by a civil penalty imposed by the Secretary under title 49, United States Code. For purposes of this subsection, each day of noncompliance after the 181st day following the date on which the shipper, carrier, or other person received notice of the failure shall constitute a separate failure.

(c) COMPLIANCE REVIEW.—In reviewing the compliance of hazardous materials shippers, carriers, or other persons subject to part 172 of title 49, Code of Federal Regulations, with the provisions of that part, the Secretary shall utilize risk assessment methodologies to prioritize review and enforcement actions to the most vulnerable and critical hazardous materials transportation operations.

(d) TRANSPORTATION COSTS STUDY.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Homeland Security, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by shippers of such commodities as compared to the costs and rates respectively for the transportation of non-hazardous materials.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007;

(2) $2,000,000 for fiscal year 2008; and

(3) $2,000,000 for fiscal year 2009.

SEC. —104. TRUCK SECURITY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation 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 on security issues related to the trucking industry that includes—

(1) an assessment of actions already taken to address identified security issues by both public and private entities;

(2) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(3) an assessment of ongoing research and the need for additional research on truck security; and

(4) an assessment of industry best practices to enhance security.

SEC. —105. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.

(a) DEVELOPMENT.—The Secretary of Homeland Security, in conjunction with the Secretary of Transportation, shall develop a national public sector response system to receive security alerts, emergency messages, and other information used to track the transportation of high hazard materials which can provide accurate, timely, and actionable information to appropriate first responder, law enforcement and public safety, and homeland security officials, as appropriate, regarding accidents, threats, thefts, or other safety and security risks or incidents. In developing this system, they shall consult with law enforcement and public safety officials, hazardous material shippers, motor carriers, railroads, organizations representing hazardous material employees, State transportation and hazardous materials officials, Operation Respond, private for-profit emergency response organizations, and commercial motor vehicle and hazardous material safety groups. The development of the national public sector response system shall be based upon the public sector response center developed for the Transportation Security Administration hazardous material truck security pilot program and hazardous material safety and security operational field test undertaken by the Federal Motor Carrier Safety Administration.

(b) CAPABILITY.—The national public sector response system shall be able to receive, as appropriate—

(1) negative driver verification alerts;

(2) out-of-route alerts;

(3) driver panic or emergency alerts; and

(4) tampering or release alerts.

(c) CHARACTERISTICS.—The national public sector response system shall—

(1) be an exception-based system;

(2) be integrated with other private and public sector operation reporting and response systems and all Federal homeland security threat analysis systems or centers (including the National Response Center); and

(3) provide users the ability to create rules for alert notification messages.

(d) CARRIER PARTICIPATION.—The Secretary of Homeland Security shall coordinate with motor carriers and railroads transporting high hazard materials, entities acting on their behalf who receive communication alerts from motor carriers or railroads, or other Federal agencies that receive security and emergency related notification regarding high hazard materials in transit to facilitate the provisions of the information listed in subsection (b) to the national public sector response system to the extent possible.

(e) DATA PRIVACY.—The national public sector response system shall be designed to ensure appropriate protection of data and information relating to motor carriers, railroads, and employees.

(f) REPORT.—Not later than 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 on the estimated total public and private sector costs to establish and annually operate the national public sector response system under subsection (a), together with any recommendations for generating private sector participation and investment in the development and operation of the national public sector response system.

(g) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $1,000,000 for fiscal year 2007;

(2) $1,000,000 for fiscal year 2008; and

(3) $1,000,000 for fiscal year 2009.

SEC. —106. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration for making grants to private operators of over-the-road buses or over-the-road-bus terminal operators for system-wide security improvements to their operations, including—

(1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;

(2) protecting or isolating the driver;

(3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(4) training employees in recognizing and responding to security threats, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;

(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing and upgrading an emergency communications system linking operational headquarters, over-the-road buses, law enforcement, and emergency personnel; and

(9) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) FEDERAL SHARE.—The Federal share of the cost for which any grant is made under this section shall be 80 percent.

(c) DUE CONSIDERATION.—In making grants under this section, the Secretary shall give due consideration to private operators of over-the-road buses that have taken measures to enhance bus transportation security from those in effect before September 11, 2001, and shall prioritize grant funding based on the magnitude and severity of the security threat to bus passengers and the ability of the funded project to reduce, or respond to, that threat.

(d) GRANT REQUIREMENTS.—A grant under this section shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

(e) PLAN REQUIREMENT.—

(1) IN GENERAL.—The Secretary may not make a grant under this section to a private operator of over-the-road buses until the operator has first submitted to the Secretary—

(A) a plan for making security improvements described in subsection (a) and the Secretary has approved the plan; and

(B) such additional information as the Secretary may require to ensure accountability for the obligation and expenditure of amounts made available to the operator under the grant.

(2) COORDINATION.—To the extent that an application for a grant under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

(f) OVER-THE-ROAD BUS DEFINED.—In this section, the term ''over-the-road bus'' means a bus characterized by an elevated passenger deck located over a baggage compartment.

(g) BUS SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 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 preliminary report in accordance with the requirements of this section.

(2) CONTENTS OF PRELIMINARY REPORT.—The preliminary report shall include—

(A) an assessment of the over-the-road bus security grant program;

(B) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(C) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(D) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(E) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; and

(F) an assessment of industry best practices to enhance security.

(3) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

(h) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $50,000,000 for fiscal year 2007;

(2) $50,000,000 for fiscal year 2008; and

(3) $50,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. —107. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Memorandum of Understanding Annex executed under section —108, shall develop a Pipeline Security and Incident Recovery Protocols Plan. The plan shall include—

(1) a plan for the Federal Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section —108—

(A) at high or severe security threat levels of alert; and

(B) when specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for granting access to pipeline operators for pipeline infrastructure repair, replacement or bypass following an incident.

(b) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The plan shall take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions.

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary of Homeland Security shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, pipeline labor, first responders, shippers of hazardous materials, State Departments of Transportation, public safety officials, and other relevant parties.

(d) REPORT.—

(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a), along with an estimate of the private and public sector costs to implement any 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.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $1,000,000 for fiscal year 2007.

SEC. —108. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations in the September, 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) REVIEW AND INSPECTION.—Within 9 months after the date of enactment of this Act the Secretary shall complete a review of the pipeline security plan and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September, 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department of Homeland Security or the Department of Transportation, as determined by the Secretary in consultation with the Secretary of Transportation.

(c) COMPLIANCE REVIEW METHODOLOGY.—In reviewing pipeline operator compliance under subsections (a) and (b), the Secretary shall utilize risk assessment methodologies to prioritize vulnerabilities and to target inspection and enforcement actions to the most vulnerable and critical pipeline assets.

(d) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to pipeline operators and the Secretary of Transportation security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary of Homeland Security determines that regulations are appropriate, the Secretary shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations should incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for non-compliance.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007; and

(2) $2,000,000 for fiscal year 2008.

SA 4942. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

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

SA 4943. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE V—AIRPORT SECURITY

SEC. 501. AVIATION RESEARCH AND DEVELOPMENT FOR EXPLOSIVE DETECTION.

(a) ADVANCED EXPLOSIVES DETECTION SYSTEMS.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of the Transportation Security Administration, and in consultation with the Secretary of Transportation, shall, in carrying out research and development on the detection of explosive materials at airport security checkpoints, focus on the detection of explosive materials, including liquid explosives, in a manner that—

(1) improves the ability of airport security technologies to determine which items could—

(A) threaten safety;

(B) be used as an explosive; or

(C) assembled into an explosive device; and

(2) results in the development of an advanced screening technology that incorporates existing technologies into a single screening system.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(A) $200,000,000 for fiscal year 2008; and

(B) $250,000,000 for fiscal year 2009.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SA 4944. Mr. NELSON of Nebraska (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—NOAA PROGRAM TO MONITOR AND FORECAST DROUGHTS

SEC. 501. NOAA PROGRAM TO MONITOR AND FORECAST DROUGHTS.

(a) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere shall establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration.

(b) SYSTEM FUNCTIONS.—The System shall—

(1) provide an effective drought early warning system that—

(A) is a comprehensive system that collects and integrates information on the key

indicators of drought in order to make usable, reliable, and timely drought forecasts and assessments of drought, including assessments of the severity of drought conditions and impacts;

(B) in order to facilitate better informed, more timely decisions and support drought mitigation and preparedness programs that will reduce impacts and costs, communicates drought forecasts, drought conditions, and drought impacts on an ongoing basis to—

(i) decisionmakers at the Federal, regional, State, tribal, and local levels of government;

(ii) the private sector; and

(iii) the public; and

(C) includes timely (where possible real-time) data, information, and products that reflect local, regional, and State differences in drought conditions;

(2) coordinate, and integrate as practicable, Federal research in support of a drought early warning system, improved forecasts, and the development of mitigation and preparedness tools and techniques;

(3) build upon existing drought forecasting, assessment, and mitigation programs at the National Oceanic and Atmospheric Administration, including programs conducted in partnership with other Federal departments and agencies and existing research partnerships, such as that with the National Drought Mitigation Center at the University of Nebraska-Lincoln; and

(4) be incorporated into the Global Earth Observation System of Systems.

(c) CONSULTATION.—The Under Secretary shall consult with relevant Federal, regional, State, tribal, and local government agencies, research institutions, and the private sector in the development of the National Integrated Drought Information System.

(d) COOPERATION FROM OTHER FEDERAL AGENCIES.—Each Federal agency shall cooperate as appropriate with the Under Secretary in carrying out this Act.

(e) DROUGHT DEFINED.—In this section, the term ''drought'' means a deficiency in precipitation—

(1) that leads to a deficiency in surface or subsurface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(2) that causes or may cause—

(A) substantial economic or social impacts; or

(B) substantial physical damage or injury to individuals, property, or the environment.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for use by the Under Secretary of Commerce for Oceans and Atmosphere to implement section 501—

(1) $8,000,000 for fiscal year 2007;

(2) $9,000,000 for fiscal year 2008;

(3) $10,000,000 for each of fiscal years 2009 and 2010; and

(4) $11,000,000 for each of fiscal years 2011 and 2012.

SA 4945. Mr. NELSON of Nebraska (for himself, and Mr. CONRAD, Mr. REID, Mr. SALAZAR, Mr. JOHNSON, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—EMERGENCY FARM RELIEF

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Emergency Farm Relief Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—AGRICULTURAL PRODUCTION LOSSES

Sec. 101. Crop disaster assistance.
Sec. 102. Livestock assistance.
Sec. 103. Flooded crop and grazing land.
Sec. 104. Sugar beet disaster assistance.
Sec. 105. Bovine tuberculosis herd indemnification.
Sec. 106. Reduction in payments.

TITLE II—SUPPLEMENTAL NUTRITION AND AGRICULTURAL ECONOMIC DISASTER ASSISTANCE

Sec. 121. Replenishment of Section 32.
Sec. 122. Supplemental economic loss payments.
Sec. 123. Small business economic loss grant program.

TITLE III—CONSERVATION

Sec. 131. Emergency conservation program.
Sec. 132. Emergency watershed protection program.

TITLE IV—FARM SERVICE AGENCY

Sec. 141. Funding for additional personnel.

TITLE V—MISCELLANEOUS

Sec. 151. Funding.
Sec. 152. Regulations.

TITLE VI—EMERGENCY DESIGNATION

Sec. 161. Emergency designation.

SEC. 2. DEFINITIONS.

In this division:

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

(2) DISASTER COUNTY.—The term ''disaster county'' means—

(A) a county included in the geographic area covered by a natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(3) HURRICANE-AFFECTED COUNTY.—The term ''hurricane-affected county'' means—

(A) a county included in the geographic area covered by a natural disaster declaration related to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or a related condition; and

(B) each county contiguous to a county described in subparagraph (A).

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

(5) LIVESTOCK.—The term ''livestock'' includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) sheep;

(D) swine; and

(E) other livestock, as determined by the Secretary.

(6) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means a natural disaster declared by the Secretary during calendar year 2005 or 2006 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

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

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

TITLE I—AGRICULTURAL PRODUCTION LOSSES

SEC. 101. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) NONINSURED PRODUCERS.—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.

(c) QUALIFYING LOSSES.—Assistance under this section shall be made available to producers on farms, other than producers of sugar beets, that incurred qualifying quantity or quality losses for the 2005 or 2006 crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary.

(d) QUALITY LOSSES.—

(1) IN GENERAL.—In addition to any payment received under subsection (b), the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make payments to producers on a farm described in subsection (a) that incurred a quality loss for the 2005 or 2006 crop, or both, of a commodity in an amount equal to the product obtained by multiplying—

(A) the payment quantity determined under paragraph (2);

(B)(i) in the case of an insurable commodity, the coverage level elected by the insured under the policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the applicable coverage level for the payment quantity determined under paragraph (2); by

(C) 50 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B)(i) in the case of an insurable commodity, the actual production history for the commodity by the producers on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the established yield for the crop for the producers on the farm under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(3) PAYMENT RATE.—

(A) IN GENERAL.—For the purpose of paragraph (1)(B), the payment rate for quality losses for a crop of a commodity on a farm

shall be equal to the difference between (as determined by the applicable State committee of the Farm Service Agency)—

(i) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(ii) the per unit market value of the units of the crop affected by the quality loss.

(B) FACTORS.—In determining the payment rate for quality losses for a crop of a commodity on a farm, the applicable State committee of the Farm Service Agency shall take into account—

(i) the average local market quality discounts that purchasers applied to the commodity during the first 2 months following the normal harvest period for the commodity;

(ii) the loan rate and repayment rate established for the commodity under the marketing loan program established for the commodity under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.);

(iii) the market value of the commodity if sold into a secondary market; and

(iv) other factors determined appropriate by the committee.

(4) ELIGIBILITY.—

(A) IN GENERAL.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under this subsection—

(i) the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be reduced by the amount of any indemnification received by the producers on the farm for quality loss adjustment for the commodity under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(ii) the remainder shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(B) INELIGIBILITY.—If the amount of a quality loss payment for a commodity for the producers on a farm determined under this paragraph is equal to or less than zero, the producers on the farm shall be ineligible for assistance for the commodity under this subsection.

(5) ELIGIBLE PRODUCTION.—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

SEC. 102. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during calendar years 2005 and 2006 for losses due to a disaster, as determined by the Secretary, except that the payment rate shall be 75 percent of the payment rate established for the 2002 Livestock Compensation Program.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant for livestock losses during calendar year 2005 or 2006, or both, that—

(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108–324 (118 Stat. 1234)); or

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1));

(B) demonstrates to the Secretary that the applicant suffered a material loss of pasture or hay production, or experienced substantially increased feed costs, due to damaging weather or a related condition during the calendar year, as determined by the Secretary; and

(C) meets all other eligibility requirements established by the Secretary for the program.

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

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on farms that have incurred livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the State of Texas and other States) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, and wildfires.

(2) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(c) EWE LAMB REPLACEMENT AND RETENTION.—

(1) IN GENERAL.—The Secretary shall use $13,000,000 of funds of the Commodity Credit Corporation to make payments under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006.

(2) INELIGIBILITY FOR OTHER ASSISTANCE.—A producer that receives assistance under this subsection shall not be eligible to receive assistance under subsection (a).

SEC. 103. FLOODED CROP AND GRAZING LAND.

(a) IN GENERAL.—The Secretary shall compensate eligible owners of flooded crop and grazing land in—

(1) the Devils Lake basin; and

(2) the McHugh, Lake Laretta, and Rose Lake closed drainage areas of the State of North Dakota.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary.

(2) INCLUSIONS.—Land described in paragraph (1) shall include—

(A) land that has been flooded;

(B) land that has been rendered inaccessible due to flooding; and

(C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary may establish—

(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and

(B) the location and area of adjoining flooded land for which owners may receive compensation under this section.

(c) SIGN-UP.—The Secretary shall establish a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

(d) COMPENSATION PAYMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.

(2) REDUCTION.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) EXCLUSION.—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) USE OF LAND.—

(1) IN GENERAL.—An owner that receives compensation under this section for flooded land shall take such actions as are necessary to not degrade any wildlife habitat on the land that has naturally developed as a result of the flooding.

(2) RECREATIONAL ACTIVITIES.—To encourage owners that receive compensation for flooded land to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

(B) provide compensation for additional acreage under this section.

(g) FUNDING.—

(1) IN GENERAL.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to carry out this section.

(2) PRO-RATED PAYMENTS.—In a case in which the amount made available under paragraph (1) for a fiscal year is insufficient to compensate all eligible owners under this section, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

SEC. 104. SUGAR BEET DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use $24,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2005 crop year.

(b) REQUIREMENT.—The Secretary shall make payments under subsection (a) in the same manner as payments were made under section 208 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 544), including using the same indemnity benefits as were used in carrying out that section.

(c) HAWAII.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)).

SEC. 105. BOVINE TUBERCULOSIS HERD INDEMNIFICATION.

The Secretary shall use $2,000,000 of funds of the Commodity Credit Corporation to indemnify producers that suffered losses to herds of cattle due to bovine tuberculosis during calendar year 2005.

SEC. 106. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this title shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006;

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418); or

(4) the Livestock Assistance Grant Program announced by the Secretary on August 29, 2006.

TITLE II—SUPPLEMENTAL NUTRITION AND AGRICULTURAL ECONOMIC DISASTER ASSISTANCE

SEC. 121. 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) milk.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use $25,000,000 of funds of the Commodity Credit Corporation to make grants to the several States to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be $500,000 to each of the several States.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $74,500,000 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 of the United States for the 2004 crop year, as determined by the Secretary; by

(2) $74,500,000.

(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. 122. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producers 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.); and

(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 supplemental economic loss payment made to the producers 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 covered commodity of the producers on the farm;

(B) 85 percent of the base acres of the covered commodity of the producers on the farm; and

(C) the payment yield for each covered commodity of the producers on the farm.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Supplemental economic loss 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 supplemental economic loss payments under subsection (a)(2) shall not exceed $147,000,000.

(3) LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall ensure that no person receives supplemental economic loss payments under—

(i) subsection (a)(1) in excess of the per person limitations applicable to a person that receives payments described in subsection (a)(1); and

(ii) subsection (a)(2) in excess of the per dairy operation limitation applicable to producers on a dairy farm described in subsection (a)(2).

(B) ADMINISTRATION.—In carrying out subparagraph (A), the Secretary—

(i) shall establish separate limitations for supplemental economic loss payments received under this section; and

(ii) shall not include the supplemental economic loss payments in applying payment limitations under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1001) for payments made pursuant to the underlying normal operation of the program described in subsection (a)(1) or section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

SEC. 123. SMALL BUSINESS ECONOMIC LOSS GRANT PROGRAM.

(a) DEFINITION OF QUALIFIED STATE.—In this section, the term ''qualified State'' means a State in which at least 50 percent of the counties of the State were declared to be primary agricultural disaster areas by the Secretary in at least 2 of crop years 2004, 2005, and 2006.

(b) GRANTS TO QUALIFIED STATES.—

(1) IN GENERAL.—The Secretary shall use $300,000,000 of funds of the Commodity Credit Corporation to make grants to State departments of agriculture or comparable State agencies in qualified States.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall allocate grants among qualified States described in paragraph (1) based on the average value of agricultural sector production in the qualified State, determined as a percentage of the gross domestic product of the qualified State.

(B) MINIMUM AMOUNT.—The minimum amount of a grant under this subsection shall be $3,000,000.

(3) REQUIREMENT.—To be eligible to receive a grant under this subsection, a qualified State shall agree to carry out an expedited disaster assistance program to provide direct payments to qualified small businesses in accordance with subsection (c).

(c) DIRECT PAYMENTS TO QUALIFIED SMALL BUSINESSES.—

(1) IN GENERAL.—In carrying out an expedited disaster assistance program described in subsection (b)(3), a qualified State shall provide direct payments to eligible small businesses in the qualified State that suffered material economic losses in at least 2 of crop years 2004, 2005, and 2006 as a direct result of weather-related agricultural losses to the crop or livestock production sectors of the qualified State, as determined by the Secretary.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive a direct payment under paragraph (1), a small business shall—

(i) have less than $5,000,000 in average annual gross income from all business activities, at least 75 percent of which shall be directly related to production agriculture or agriculture support industries, as determined by the Secretary;

(ii) verify the amount of economic loss attributable to weather-related agricultural losses using such documentation as the Secretary and the head of the qualified State agency may require;

(iii) have suffered losses attributable to weather-related agricultural disasters that equal at least 50 percent of the total economic loss of the small business for each year a grant is requested; and

(iv) demonstrate that the grant will materially improve the likelihood the business will—

(I) recover from the disaster; and

(II) continue to service and support production agriculture.

(3) REQUIREMENTS.—A direct payment to small business under this subsection shall—

(A) be limited to not more than 2 years of documented losses;

(B) be in an amount of not more than 75 percent of the documented average economic loss attributable to weather-related agriculture disasters for each eligible year in the qualified State; and

(C) not exceed $80,000 per grant per year.

(4) INSUFFICIENT FUNDING.—If the grant funds received by a qualified State agency under subsection (b) are insufficient to fund the direct payments of the qualified State agency under this subsection, the qualified State agency may apply a proportional reduction to all of the direct payments.

TITLE III—CONSERVATION

SEC. 131. EMERGENCY CONSERVATION PROGRAM.

The Secretary shall use an additional $30,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Administrator of the Farm Service Agency as of the date of enactment of this Act through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.).

SEC. 132. EMERGENCY WATERSHED PROTECTION PROGRAM.

The Secretary shall use an additional $70,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Chief of the Natural Resources Conservation Service as of the date of enactment of this Act through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203).

TITLE IV—FARM SERVICE AGENCY

SEC. 141. FUNDING FOR ADDITIONAL PERSONNEL.

The Secretary shall use $20,000,000 of funds of the Commodity Credit Corporation to hire additional County Farm Service Agency personnel—

(1) to expedite the implementation of, and delivery under, the agricultural disaster and economic assistance programs under this division; and

(2) as the Secretary determines to be necessary to carry out other agriculture and disaster assistance programs.

TITLE V—MISCELLANEOUS

SEC. 151. FUNDING.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this division, to remain available until expended.

SEC. 152. REGULATIONS.

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

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

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

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

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

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

TITLE VI—EMERGENCY DESIGNATION

SEC. 161. EMERGENCY DESIGNATION.

The amounts provided under this division are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 4946. Mr. BURNS (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SECURITY PLAN FOR ESSENTIAL AIR SERVICE AIRPORTS IN MONTANA.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary for the Transportation Security Administration shall submit to Congress a security plan for Essential Air Service airports in Montana.

(b) ELEMENTS OF PLAN.—The security plan required by subsection (a) shall include the following:

(1) Recommendations for improved security measures at such airports.

(2) Recommendations for proper passenger and cargo security screening procedures at such airports.

(3) A timeline for implementation of recommended security measures or procedures at such airports.

(4) Cost analysis for implementation of recommended security measures or procedures at such airports.

(c) ESSENTIAL AIR SERVICE AIRPORTS IN MONTANA.—In this section, ''Essential Air Service airports in Montana'' include airports located in the following:

(1) Lewistown, Montana.
(2) Wolf Point, Montana.
(3) Havre, Montana.
(4) Miles City, Montana.
(5) Glasgow, Montana.
(6) Sidney-Richland, Montana.
(7) Dawson County, Montana.

SA 4947. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —IP-ENABLED VOICE COMMUNICATIONS AND PUBLIC SAFETY

SEC. —01. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''IP-Enabled Voice Communications and Public Safety Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —01. Short title; table of contents.
Sec. —02. Emergency service.
Sec. —03. Enforcement.
Sec. —04. Migration to IP-enabled emergency network.
Sec. —05. Definitions.

SEC. —02. EMERGENCY SERVICE.

(a) 911 AND E–911 SERVICES.—

(1) IN GENERAL.—The Federal Communications Commission shall review the requirements established in its Report and Order in WC Docket Nos. 04–36 and 05–196 and shall, within 120 days after the date of enactment of this Act, revise its regulations as may be necessary, or promulgate such additional regulations as may be necessary, to establish requirements that are technologically and operationally feasible for providers of IP-enabled voice service to ensure that 911 and E–911 services are available to subscribers to IP-enabled voice services.

(2) CONTENT.—In the regulations prescribed under paragraph (1), the Commission shall include an appropriate transition period for compliance with those requirements that takes into consideration—

(A) available industry technology and operational standards;

(B) network security; and

(C) public safety answering point capabilities.

(3) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.—The Commission may delegate authority to enforce the rules and regulations issued under this title to State commissions or other State agencies or programs with jurisdiction over emergency communications.

(4) EFFECTIVE DATE.—The regulations prescribed under paragraph (1) may not take effect earlier than 90 days after the date on which the Commission issues a final rule under that paragraph.

(b) ACCESS TO 911 COMPONENTS.—Within 90 days after the date of enactment of this Act, the Commission shall issue regulations regarding access by IP-enabled voice service providers to 911 components that permit any IP-enabled voice service provider to elect to be treated as a commercial mobile service provider for the purpose of access to any 911 component, except that the regulations issued under this subsection may take into account any technical or network security issues that are specific to IP-enabled voice services.

(c) STATE AUTHORITY OVER FEES.—Nothing in this title, the Communications Act of 1934, or any Commission regulation or order shall prevent the imposition on, or collection from, a provider of IP-enabled voice services of any fee or charge specifically designated by a State, political subdivision thereof, or Indian tribe for the support of 911 or E–911 services if that fee or charge—

(1) does not exceed the amount of any such fee or charge imposed on or collected from a provider of telecommunications services; and

(2) is obligated or expended in support of 911 and E–911 services, or enhancements of such services, or other emergency communications services as specified in the provision of State or local law adopting the fee or charge.

(d) GRANDFATHERING OF CURRENT IP-ENABLED VOICE SERVICE SUBSCRIBERS.—

(1) IN GENERAL.—A provider of IP-enabled voice service may continue to provide service to each subscriber who subscribed to that service as of December 31, 2005, to whom notice has been given in accordance with the requirements of the Commission's Report and Order in WC Docket Nos. 04–36 and 05–196 if—

(A) the provider has received an acknowledgement in writing or by electronic means by the subscriber of receipt of the notice; or

(B) the provider continues to give clear and conspicuous notice of the unavailability of 911 or E–911 service, or either service, in billing statements or their equivalent sent to the subscriber.

(2) CONTINUED SERVICE.—The Commission may not require a provider of IP-enabled voice service to terminate service to a subscriber described in paragraph (1) as long as the provider is in compliance with the requirements of that paragraph and the regulations prescribed under this subsection.

(3) REPORTING REQUIREMENT.—A provider of IP-enabled voice service that continues to provide service under paragraphs (1) and (2) shall file a report with the Commission every 6 months detailing its efforts to identify and implement a 911 or E–911 solution or both.

(4) COMPLIANCE WITH REGARD TO NEW SUBSCRIBERS.—Nothing in this subsection shall be construed to authorize a provider of IP-enabled voice service to add subscribers to such service after December 31, 2005, if the provider is not in compliance with the Commission's 911 and E–911 regulations for IP-enabled voice service providers.

(e) TECHNICAL AND OPERATIONAL FEASIBILITY.—

(1) SPECIAL WAIVERS.—The Commission shall waive the 911 and E–911 requirements contained in the Commission's Report and Order in WC Docket Nos. 04–36 and 05–196, together with any regulations promulgated under subsection (a), for a provider of IP-enabled voice service if—

(A) the provider gives a separate, clear, and conspicuous notice to its subscribers that it does not offer 911 service, E–911 service, or either service, as the case may be, to its IP-enabled voice service subscribers;

(B) the subscriber separately acknowledges receipt of that notice in writing or by electronic means; and

(C) the provider demonstrates that it is not technically or operationally feasible for its IP-enabled voice service to comply with those 911 and E–911 requirements, which may include technical and operational feasibility relative to its portable or nomadic IP-enabled voice service.

(2) PRESUMPTION.—A provider of IP-enabled voice service shall be presumed to have complied with the requirements of subparagraphs (A) and (B) of paragraph (1) with respect to subscribers whose subscriptions commenced before the date of enactment of this Act if the provider has met the subscriber acknowledgement requirements in the Commission's Report and Order in WC Docket Nos. 04–36 and 05–196 with respect to 90 percent of those subscribers.

(3) TERM OF WAIVER.—The Commission may not grant a waiver under paragraph (1) for a period of more than 12 months at a time.

(4) GEOGRAPHIC LIMITATION.—The Commission may limit any waiver issued under paragraph (1) by geographic area if the Commission finds such a limitation is in the public interest.

(5) 45-DAY RULE.—The Commission shall grant or deny a waiver under paragraph (1) within 45 days after it receives a complete waiver request from a provider of IP-enabled voice service. If the Commission fails to act within 45 days then the waiver shall be deemed granted.

(6) SUNSET OF WAIVER AUTHORITY.—The Commission may not grant a waiver under paragraph (1) more than 48 months after the date of enactment of this Act.

(f) PARITY OF PROTECTION FOR PROVISION OR USE OF IP-ENABLED VOICE SERVICE.—A provider or user of IP-enabled voice services, a PSAP, and the officers, directors, employees, vendors, agents, and authorizing government entity (if any) of such provider, user, or PSAP, shall have the same scope and extent of immunity and other protection from liability under Federal and State law with respect to—

(1) the release of subscriber information related to emergency calls or emergency services,

(2) the use or provision of 911 and E–911 services, and

(3) other matters related to 911 and E–911 services,

as section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) provides to wireless carriers, PSAPs, and users of wireless 9–1–1 service (as defined in paragraphs (4), (3), and (6), respectively, of section 6 of that Act (47 U.S.C. 615b)) with respect to such release, use, and other matters.

(g) LIMITATION ON COMMISSION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

SEC. —03. ENFORCEMENT.

The Commission shall enforce this title, and any regulation promulgated under this title, under the Communications Act of 1934 (47 U.S.C. 151 et seq.) as if this title were a part of that Act. For purposes of this section any violation of this title, or any regulation promulgated under this title, is deemed to be a violation of the Communications Act of 1934.

SEC. —04. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

(a) IN GENERAL.—Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following:

''(d) MIGRATION PLAN REQUIRED.—

''(1) NATIONAL PLAN REQUIRED.—No more than 18 months after the date of the enactment of the IP-Enabled Voice Communications and Public Safety Act of 2005, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

''(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

''(A) outline the potential benefits of such a migration;

''(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

''(C) include a proposed timetable, an outline of costs and potential savings;

''(D) provide specific legislative language, if necessary, for achieving the plan;

''(E) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network; and

''(F) assess, collect, and analyze the experiences of the PSAPs and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2005.

''(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, technology and telecommunications providers, and others it deems appropriate.''; and

(3) by striking ''services.'' in subsection (b)(1) and inserting ''services, and, upon completion of development of the national plan for migrating to a national IP-enabled emergency network under subsection (d), for migration to an IP-enabled emergency network.''.

(b) REPORT ON PSAPS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(A) compile a list of all known public safety answering points, including such contact information regarding public safety answering points as the Commission determines appropriate;

(B) organize such list by county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State; and

(C) make available from such list—

(i) to the public, on the Internet website of the Commission—

(I) the 10 digit telephone number of those public safety answering points appearing on such list; and

(II) a statement explicitly warning the public that such telephone numbers are not intended for emergency purposes and as such may not be answered at all times; and

(ii) to public safety answering points all contact information compiled by the Commission.

(2) CONTINUING DUTY.—The Commission shall continue—

(A) to update the list made available to the public described in paragraph (1)(C); and

(B) to improve for the benefit of the public the accessibility, use, and organization of such list.

(3) PSAPS REQUIRED TO COMPLY.—Each public safety answering point shall provide all requested contact information to the Commission as requested.

(c) REPORT ON SELECTIVE ROUTERS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(A) compile a list of selective routers, including the contact information of the owners of such routers;

(B) organize such list by county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State; and

(C) make such list available to providers of telecommunications service and to providers of IP-enabled voice service who are seeking to provide E-911 service to their subscribers.

SEC. —05. DEFINITIONS.

(a) IN GENERAL.—For purposes of this title:

(1) 911.—The term ''911'' means a service that allows a user, by dialing the three-digit code 911, to call a public safety answering point operated by a State, local government, Indian tribe, or authorized entity.

(2) 911 COMPONENT.—The term ''911 component'' means any equipment, network, databases (including automatic location information databases and master street address guides), interface, selective router, trunk-line, or other related facility necessary for the delivery and completion of 911 or E–911 calls and information related to such calls to which the Commission requires access pursuant to its rules and regulations.

(3) E–911 SERVICE.—The term ''E–911 service'' means a 911 service that automatically delivers the 911 call to the appropriate public safety answering point, and provides automatic identification data, including the originating number of an emergency call, the physical location of the caller, and the capability for the public safety answering point to call the user back if the call is disconnected.

(4) IP-ENABLED VOICE SERVICE.—The term ''IP-enabled voice service'' means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately) with 2-way interconnection capability such that the service can originate traffic to, and terminate traffic from, the public switched telephone network.

(5) PSAP.—The term ''public safety answering point'' or ''PSAP'' means a facility that has been designated to receive 911 or E–911 calls.

(b) COMMON TERMINOLOGY.—Except as otherwise provided in subsection (a), terms used in this title have the meanings provided under section 3 of the Communications Act of 1934.

SA 4948. Mr. BURNS submitted an amendment intended to be proposed to amendment SA 4947 submitted by Mr. BURNS and intended to be proposed to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, beginning with line 13, strike through line 23 on page 7.

On page 7, line 24, strike ''(f)'' and insert ''(d)''.

On page 8, line 19, strike ''(g)'' and insert ''(e)''.

On page 14, line 14, strike ''separately)'' and insert ''separately), or without a fee,''.

SA 4949. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 6, insert ''ferry operators and'' after ''with''.

SA 4950. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, between lines 20 and 21, insert the following:

(h) INTERMODAL RAIL RADIATION DETECTION TEST CENTER.—

(1) ESTABLISHMENT.—In accordance with subsection (b), and in order to comply with this section, the Secretary shall establish an Intermodal Rail Radiation Detection Test Center (referred to in this subsection as the ''Test Center'').

(2) PROJECTS.—The Secretary shall conduct multiple, concurrent projects at the Test Center to rapidly identify and test concepts specific to the challenges posed by on-dock rail.

(3) LOCATION.—The Test Center shall be located within a public port facility at which more than 50 percent of the containerized cargo is directly laden from (or unladen to) on-dock, intermodal rail.

SA 4951. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DISCLOSURES REGARDING HOMELAND SECURITY GRANTS.

(a) DEFINITIONS.—In this section:

(1) HOMELAND SECURITY GRANT.—The term ''homeland security grant'' means any grant made or administered by the Department, including—

(A) the State Homeland Security Grant Program;

(B) the Urban Area Security Initiative Grant Program;

(C) the Law Enforcement Terrorism Prevention Program;

(D) the Citizen Corps; and

(E) the Metropolitan Medical Response System.

(2) LOCAL GOVERNMENT.—The term ''local government'' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(b) REQUIRED DISCLOSURES.—Each State or local government that receives a homeland security grant shall, not later than 12 months after the later of the date of enactment of this Act and the date of receipt of such grant, and every 12 months thereafter until all funds provided under such grant are expended, report to the Secretary a list of all expenditures made by such State or local government using funds from such grant.

SA 4952. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 22, after the period, insert the following: ''The regulations shall include an interim clearance process to enable newly hired workers to begin working if the Secretary makes an initial determination that the worker does not pose a security risk. Such process shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government.''.

SA 4953. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, before line 16, insert the following:

SEC. 107. NOTICE OF ARRIVAL FOR FOREIGN VESSELS ON THE OUTER CONTINENTAL SHELF.

(a) NOTICE OF ARRIVAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary is directed to update and finalize its rulemaking on Notice of Arrival for foreign vessels on the outer Continental Shelf.

(b) CONTENT OF REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall be consistent with information required under the Notice of Arrival under section 160.206 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

SA 4954. Ms. SNOWE (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, before line 9, insert the following:

SEC. 233. INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE.

(a) FINDING.—Congress finds that the Coast Guard, with existing resources, is able to inspect foreign countries no more frequently than on a 4 to 5 year cycle.

(b) IN GENERAL.—

(1) RESOURCES TO COMPLETE INITIAL INSPECTIONS AND VALIDATION.—The Commandant of the Coast Guard shall increase the resources dedicated to the International Port Inspection Program and complete inspection of all foreign countries that trade with the United States, including the validation of compliance of such countries with the International Ship and Port Facility Security Code, not later than December 31, 2008. If the Commandant of the Coast Guard is unable to meet this objective, the Commandant of the Coast Guard shall report to Congress on the resources needed to meet the objective.

(2) REINSPECTION AND VALIDATION.—The Commandant of the Coast Guard shall maintain the personnel and resources necessary to maintain a schedule of re-inspection of foreign countries every 2 years under the International Port Inspection Program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Coast Guard such sums as are necessary to carry out the provisions of this section.

SA 4955. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCLUSION OF THE TRANSPORTATION TECHNOLOGY CENTER IN THE NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

The National Domestic Preparedness Consortium shall include the Transportation Technology Center in Pueblo, Colorado.

SA 4956. Mr. SHELBY (for himself, Mr. SARBANES, Mr. ALLARD, Mr. BENNETT, Mr. SCHUMER, Mrs. BOXER, Mr. REED, Mr. MENENDEZ, Mrs. CLINTON, Mr. LIEBERMAN, Ms. STABENOW, and Mr. SANTORUM) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE __—MASS TRANSIT SECURITY

SEC. __01. SHORT TITLE.

This title may be cited as the ''Public Transportation Terrorism Prevention Act of 2006''.

SEC. __02. 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. __03. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of the 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, 2007, 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 __04, 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, 2007, 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) and with appropriate State and local officials, shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section __04.

(5) UPDATES.—Not later than July 31, 2008, 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, 2007, 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. __04. 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 __03(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 __03(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 __03(a)(4); and

(F) other appropriate security improvements identified under section __03(a)(4), excluding routine, ongoing personnel costs.

(c) COORDINATION WITH STATE HOMELAND SECURITY PLANS.—In establishing security improvement priorities under section 3(a)(4) and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively, the Secretary of Homeland Security shall ensure that its actions are consistent with relevant State Homeland Security Plans.

(d) MULTI-STATE TRANSPORTATION SYSTEMS.—In cases where a public transportation system operates in more than 1 State, the Secretary of Homeland Security shall give appropriate consideration to the risks of the entire system, including those portions of the States into which the system crosses, in establishing security improvement priorities under section 3(a)(4), and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively.

(e) 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.

(f) 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.

(g) 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. __05. 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. __06. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS AND CONTRACTS.

(a) GRANTS AND CONTRACTS AUTHORIZED.—The Secretary of Homeland Security, through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and in consultation with the Federal Transit Administration, shall award grants or contracts 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 or contracts awarded under subsection (a)—

(1) shall be coordinated with Homeland Security Advanced Research Projects Agency activities; and

(2) may be used to—

(A) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(B) research imaging technologies;

(C) conduct product evaluations and testing; and

(D) 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 is awarded a grant or contract under this section shall report annually to the Department of Homeland Security on the use of grant or contract funds received under this section.

(d) RETURN OF MISSPENT GRANT OR CONTRACT FUNDS.—If the Secretary of Homeland Security determines that a grantee or contractor used any portion of the grant or contract funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee or contractor shall return any amount so used to the Treasury of the United States.

SEC. __07. REPORTING REQUIREMENTS.

(a) SEMI-ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31 and September 30 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 __03 through __06;

(B) the amount of funds appropriated to carry out the provisions of each of sections __03 through __06 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 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. __08. 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 __04(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 __04(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 __05.

(d) RESEARCH.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section __06, which shall remain available until expended.

SEC. __09. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2010.

SA 4957. Mrs. CLINTON (for herself and Mrs. DOLE) submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE __—2–1–1 SERVICE

SEC. __1. GRANTS TO FACILITATE NATIONWIDE AVAILABILITY OF 2–1–1 SERVICE FOR INFORMATION ON AND REFERRAL TO HUMAN SERVICES.

(a) GRANTS REQUIRED.—The Secretary of Health and Human Services, acting through the Assistant Secretary for Children and Families, shall award a grant to each eligible State to carry out a program for the purpose of making 2–1–1 telephone service available to all residents of the State with phone service for information on and referral to human services. The grant, and the service provided through the grant, shall supplement existing (as of the date of the award) funding streams or services.

(b) PERIOD AND AMOUNT OF GRANTS.—The Secretary of Health and Human Services shall award the grants for periods determined by the Secretary. The Secretary shall award the grants in amounts that are not less than a minimum amount determined by the Secretary.

(c) REQUIREMENT ON SHARE OF ACTIVITIES.—

(1) REQUIREMENT.—A State may not be awarded a grant under this section unless the State ensures that at least 50 percent of the resources of the program funded by the grant will be derived from other sources.

(2) IN-KIND CONTRIBUTIONS.—The requirement specified in paragraph (1) may be satisfied by in-kind contributions of goods or services.

(d) LEAD ENTITY.—

(1) IN GENERAL.—A State seeking a grant under this section shall carry out this section through a lead entity (also known as a ''2–1–1 Collaborative'') meeting the requirements of this subsection.

(2) 2–1–1 COLLABORATIVE.—An entity shall be treated as the 2–1–1 Collaborative for a State under this subsection if the entity—

(A) exists for such purpose under State law;

(B) exists for such purpose by order of the State public utility commission; or

(C) is a collaborative entity established by the State for such purpose from among representatives of—

(i) an informal existing (as of the date of establishment of the entity) 2–1–1 statewide collaborative, if any, in the State;

(ii) State agencies;

(iii) community-based organizations;

(iv) faith-based organizations;

(v) not-for-profit organizations;

(vi) comprehensive and specialized information and referral providers, including current (as of the date of establishment of the entity) 2–1–1 call centers;

(vii) foundations; and

(viii) businesses.

(3) REQUIREMENTS FOR PREEXISTING LEAD ENTITIES.—An entity described by subparagraph (A) or (B) of paragraph (2) may be treated as a lead entity under this subsection only if such entity collaborates, to the extent practicable, with the organizations and entities listed in subparagraph (C) of that paragraph.

(e) APPLICATION.—

(1) IN GENERAL.—The lead entity for each State seeking a grant under this section shall submit to the Secretary an application in such form as the Secretary shall require.

(2) INFORMATION.—An application for a State under this subsection shall contain information as follows:

(A) Information, on the program to be carried out by the lead entity for the State so that every resident of the State with phone service may call the 2–1–1 telephone service at no charge to the caller, describing how the lead entity plans to make available throughout the State 2–1–1 telephone service information and referral on human services, including information on the manner in which the lead entity will develop, sustain, and evaluate the program.

(B) Information on the sources of resources for the program for purposes of meeting the requirement specified in subsection (c).

(C) Information describing how the entity shall provide, to the extent practicable, a statewide database available to all residents of the State as well as all providers of human services programs, through the Internet, that will allow them to search for programs or services that are available according to the data gathered by the human services programs in the State.

(D) Any additional information that the Secretary may require for purposes of this section.

(f) SUBGRANTS.—

(1) AUTHORITY.—In carrying out a program to make 2–1–1 telephone service available to all residents of a State with phone service, the lead entity for the State may award subgrants to such persons or entities as the lead entity considers appropriate for purposes of the program, including subgrants to provide funds—

(A) for the provision of 2–1–1 telephone service;

(B) for the operation and maintenance of 2–1–1 call centers; and

(C) for the collection and display of information for the statewide database.

(2) CONSIDERATIONS.—In awarding a subgrant under this subsection, a lead entity shall consider—

(A) the ability of the person or entity seeking the subgrant to carry out activities or provide services consistent with the program;

(B) the extent to which the award of the subgrant will facilitate equitable geographic distribution of subgrants under this section to ensure that rural communities have access to 2–1–1 telephone service; and

(C) the extent to which the recipient of the subgrant will establish and maintain cooperative relationships with specialized information and referral centers, including Child Care Resource Referral Agencies, crisis centers, 9–1–1 call centers, and 3–1–1 call centers, if applicable.

(g) USE OF GRANT AND SUBGRANT AMOUNTS.—

(1) IN GENERAL.—Amounts awarded as grants or subgrants under this section shall be used solely to make available 2–1–1 telephone service to all residents of a State with phone service for information on and referral to human services, including telephone connections between families and individuals seeking such services and the providers of such services.

(2) PARTICULAR MATTERS.—In making 2–1–1 telephone service available, the recipient of a grant or subgrant shall, to the maximum extent practicable—

(A) abide by the highest quality existing (as of the date of the award of the grant or subgrant) Key Standards for 2–1–1 Centers; and

(B) collaborate with human services organizations, whether public or private, to provide an exhaustive database of services with which to provide information or referrals to individuals utilizing 2–1–1 telephone service.

(3) USE OF FUNDS.—Amounts of a subgrant under subsection (f) may be used by subgrant recipients for statewide and regional planning, start-up costs (including costs of software and hardware upgrades and telecommunications costs), training, accreditation, public awareness activities, evaluation of activities, Internet hosting and site development and maintenance for a statewide database, database integration projects that incorporate data from different 2–1–1 programs into a single statewide database, and the provision of 2–1–1 telephone service. The amounts may not be used for maintenance activities or any other ongoing activity that promotes State reliance on the amounts.

(h) REQUIREMENT ON ALLOCATION OF GRANT AMOUNTS.—Of the amounts awarded under this section, an aggregate of not more than 15 percent shall be allocated for evaluation, training, and technical assistance, and for management and administration of subgrants awarded under this section.

(i) REPORTS.—The lead entity for each State awarded a grant under this section for a fiscal year shall submit to the Secretary, not later than 60 days after the end of such fiscal year, a report on the program funded by the grant. Each report shall—

(1) describe the program funded by the grant;

(2) assess the effectiveness of the program in making available, to all residents of the State with phone service, 2–1–1 telephone service, for information on and referral to human services in accordance with the provisions of this section; and

(3) assess the effectiveness of collaboration with human services resource and referral entities and service providers.

(j) DEFINITIONS.—In this section:

(1) HUMAN SERVICES.—The term ''human services'' means services as follows:

(A) Services that assist individuals in becoming more self-sufficient, in preventing dependency, and in strengthening family relationships.

(B) Services that support personal and social development.

(C) Services that help ensure the health and well-being of individuals, families, and communities.

(2) INFORMATION AND REFERRAL CENTER.—The term ''information and referral center'' means a center that—

(A) maintains a database of providers of human services in a State or locality;

(B) assists individuals, families, and communities in identifying, understanding, and accessing the providers of human services and the human services offered by the providers; and

(C) tracks types of calls referred and received to document the demands for services.

(3) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. __2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title, $75,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2012.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations specified in subsection (a) shall remain available until expended.

SA 4958. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GRANTS FOR 9/11-RELATED HEALTH CARE.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Director of the Centers for Disease Control and Prevention, shall award grants to eligible entities to provide medical and mental health monitoring, tracking, and treatment to individuals whose health has been directly impacted as a result of the attacks on New York City on September 11, 2001.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), an entity shall—

(A) be an entity—

(i) that serves individuals described in subsection (a), including entities providing baseline and follow-up screening, clinical examinations, or long-term medical or mental health monitoring, analysis, or treatment to such individuals such as the Mount Sinai Center for Occupational and Environmental Medicine of New York City, the New York City Fire Department's Bureau of Health Services and Counseling Services Unit, the New York City Police Foundation's Project COPE, the Police Organization Providing Peer Assistance of New York City, and the New York City Department of Health and Mental Hygiene's World Trade Center Health Registry; or

(ii) an entity not described in clause (i) that provides similar services to the individuals described in such clause; and

(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) ELIGIBLE INDIVIDUALS.—Individuals eligible to receive assistance from an entity under a grant under this section shall include firefighters, police officers, paramedics, workers, volunteers, residents, and any other individual who worked at Ground Zero or Fresh Kills, or who lived or worked in the vicinity of such areas, and whose health has deteriorated as a result of the attacks described in subsection (a).

(c) PRIORITY IN AWARDING ASSISTANCE.—An eligible entity that receives a grant under this section shall use amounts provided under such grant to provide assistance to individuals in the following order of priority:

(1) Individuals who are not covered under health insurance coverage.

(2) Individuals who need health care assistance beyond what their health insurance coverage provides.

(3) Individuals with insufficient health care insurance coverage.

(4) Individuals who are in need of health care coverage and who are not described in any of paragraphs (1) through (3).

(d) REPORT.—Not later than 30 days after the date of enactment of this Act, and monthly thereafter, the Director of the Centers for Disease Control and Prevention shall submit to the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, a report on the use of funds under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $1,914,000,000 for fiscal years 2007 through 2011.

(2) STAFF AND ADMINISTRATION.—The Secretary may use not to exceed $10,000,000 of the amount appropriated under paragraph (1) for staffing and administrative expenses related to the implementation of this section.

(3) USE OF OTHER FUNDS.—The Secretary may use any funds appropriated to the Department of Health and Human Services, or any other funds specifically designated, to carry out this section.

SA 4959. Mr. PRYOR (for himself and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRUCKING SECURITY.

(a) LEGAL STATUS VERIFICATION FOR LICENSED UNITED STATES COMMERCIAL DRIVERS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Transportation, in cooperation with the Secretary of Homeland Security, shall issue regulations to implement the recommendations contained in the memorandum of the Inspector General of the Department of Transportation issued on June 4, 2004 (Control No. 2004–054).

(b) COMMERCIAL DRIVER'S LICENSE ANTI-FRAUD PROGRAMS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of the Transportation, in conjunction with the Secretary of the Department of Homeland Security, shall issue a regulation to implement the recommendations contained in the Report on Federal Motor Carrier Safety Administration Oversight of the Commercial Driver's License Program (MH–2006–037).

(c) VERIFICATION OF COMMERCIAL MOTOR VEHICLE TRAFFIC.—

(1) GUIDELINES.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Homeland Security shall draft guidelines for Federal, State, and local law enforcement officials, including motor carrier safety enforcement personnel, to improve compliance with Federal immigration and customs laws applicable to foreign-based commercial motor vehicles and commercial motor vehicle operators. Such guidelines shall include recommendations regarding—

(A) penalties, fines, and forfeitures for violations of immigration and customs laws; and

(B) changes in Federal, State and local laws that would improve compliance with Federal immigration and customs laws.

(2) VERIFICATION.—Not later than 12 months after the date of the enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration shall modify the final rule regarding the enforcement of operating authority (Docket No. FMCSA–2002–13015) to establish a system or process by which a carrier's operating authority can be verified during a roadside inspection.

SA 4960. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—EMERGENCY FARM RELIEF

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Emergency Wildfire and Farm Relief Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—WILDFIRE RELIEF

Sec. 101. Emergency conservation program.
Sec. 102. Environmental quality incentives program.
Sec. 103. Livestock assistance grant program.

TITLE II—AGRICULTURAL PRODUCTION LOSSES

Sec. 201. Crop disaster assistance.
Sec. 202. Livestock assistance.
Sec. 203. Sugar beet disaster assistance.
Sec. 204. Bovine tuberculosis herd indemnification.
Sec. 205. Reduction in payments.

TITLE III—SUPPLEMENTAL NUTRITION AND AGRICULTURAL ECONOMIC DISASTER ASSISTANCE

Sec. 301. Replenishment of Section 32.
Sec. 302. Supplemental economic loss payments.

TITLE IV—CONSERVATION

Sec. 401. Emergency watershed protection program.

TITLE V—FARM SERVICE AGENCY

Sec. 501. Funding for additional personnel.

TITLE VI—MISCELLANEOUS

Sec. 601. Funding.
Sec. 602. Regulations.

TITLE VII—EMERGENCY DESIGNATION

Sec. 701. Emergency designation.

SEC. 2. DEFINITIONS.

In this division:

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

(2) DISASTER COUNTY.—The term ''disaster county'' means—

(A) a county included in the geographic area covered by a natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(3) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the

Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(4) LIVESTOCK.—The term ''livestock'' includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) sheep;

(D) swine; and

(E) other livestock, as determined by the Secretary.

(5) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means a natural disaster declared by the Secretary during calendar year 2005 or 2006 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

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

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

TITLE I—WILDFIRE RELIEF

SEC. 101. EMERGENCY CONSERVATION PROGRAM.

The Secretary shall use an additional $30,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Administrator of the Farm Service Agency as of the date of enactment of this Act through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), of which not less than $2,000,000 shall be used to carry out such measures in the State of Montana for the control of wildfires.

SEC. 102. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

The Secretary shall use an additional $200,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Secretary as of the date of enactment of this Act through the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), of which not less than $10,000,000 shall be used to carry out such measures in the State of Montana for the control of wildfires.

SEC. 103. LIVESTOCK ASSISTANCE GRANT PROGRAM.

The Secretary shall use an additional $100,000,000 of funds of the Commodity Credit Corporation to carry out the Livestock Assistance Grant Program announced by the Secretary on August 29, 2006, in the same manner as the Program announced by the Secretary except that counties adversely impacted by wildfires shall be eligible to participate in the Program.

TITLE II—AGRICULTURAL PRODUCTION LOSSES

SEC. 201. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) NONINSURED PRODUCERS.—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.

(c) QUALIFYING LOSSES.—Assistance under this section shall be made available to producers on farms, other than producers of sugar beets, that incurred qualifying quantity or quality losses for the 2005 or 2006 crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary.

(d) QUALITY LOSSES.—

(1) IN GENERAL.—In addition to any payment received under subsection (b), the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make payments to producers on a farm described in subsection (a) that incurred a quality loss for the 2005 or 2006 crop, or both, of a commodity in an amount equal to the product obtained by multiplying—

(A) the payment quantity determined under paragraph (2);

(B)(i) in the case of an insurable commodity, the coverage level elected by the insured under the policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the applicable coverage level for the payment quantity determined under paragraph (2); by

(C) 50 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B)(i) in the case of an insurable commodity, the actual production history for the commodity by the producers on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the established yield for the crop for the producers on the farm under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(3) PAYMENT RATE.—

(A) IN GENERAL.—For the purpose of paragraph (1)(B), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between (as determined by the applicable State committee of the Farm Service Agency)—

(i) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(ii) the per unit market value of the units of the crop affected by the quality loss.

(B) FACTORS.—In determining the payment rate for quality losses for a crop of a commodity on a farm, the applicable State committee of the Farm Service Agency shall take into account—

(i) the average local market quality discounts that purchasers applied to the commodity during the first 2 months following the normal harvest period for the commodity;

(ii) the loan rate and repayment rate established for the commodity under the marketing loan program established for the commodity under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.);

(iii) the market value of the commodity if sold into a secondary market; and

(iv) other factors determined appropriate by the committee.

(4) ELIGIBILITY.—

(A) IN GENERAL.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under this subsection—

(i) the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be reduced by the amount of any indemnification received by the producers on the farm for quality loss adjustment for the commodity under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(ii) the remainder shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(B) INELIGIBILITY.—If the amount of a quality loss payment for a commodity for the producers on a farm determined under this paragraph is equal to or less than zero, the producers on the farm shall be ineligible for assistance for the commodity under this subsection.

(5) ELIGIBLE PRODUCTION.—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

SEC. 202. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during calendar years 2005 and 2006 for losses due to a disaster, as determined by the Secretary, except that the payment rate shall be 75 percent of the payment rate established for the 2002 Livestock Compensation Program.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant for livestock losses during calendar year 2005 or 2006, or both, that—

(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108–324 (118 Stat. 1234)); or

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1));

(B) demonstrates to the Secretary that the applicant suffered a material loss of pasture or hay production, or experienced substantially increased feed costs, due to damaging

weather or a related condition during the calendar year, as determined by the Secretary; and

(C) meets all other eligibility requirements established by the Secretary for the program.

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

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on farms that have incurred livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the States of Montana and Texas and other States) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, and wildfires.

(2) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(c) EWE LAMB REPLACEMENT AND RETENTION.—

(1) IN GENERAL.—The Secretary shall use $13,000,000 of funds of the Commodity Credit Corporation to make payments under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006.

(2) INELIGIBILITY FOR OTHER ASSISTANCE.—A producer that receives assistance under this subsection shall not be eligible to receive assistance under subsection (a).

SEC. 203. SUGAR BEET DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use $24,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2005 crop year.

(b) REQUIREMENT.—The Secretary shall make payments under subsection (a) in the same manner as payments were made under section 208 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 544), including using the same indemnity benefits as were used in carrying out that section.

SEC. 204. BOVINE TUBERCULOSIS HERD INDEMNIFICATION.

The Secretary shall use $2,000,000 of funds of the Commodity Credit Corporation to indemnify producers that suffered losses to herds of cattle due to bovine tuberculosis during calendar year 2005.

SEC. 205. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this title shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006; or

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

TITLE III—SUPPLEMENTAL NUTRITION AND AGRICULTURAL ECONOMIC DISASTER ASSISTANCE

SEC. 301. 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) milk.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use $25,000,000 of funds of the Commodity Credit Corporation to make grants to the several States to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be $500,000 to each of the several States.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $74,500,000 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 of the United States for the 2004 crop year, as determined by the Secretary; by

(2) $74,500,000.

(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. 302. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producers 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.); and

(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 supplemental economic loss payment made to the producers 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 covered commodity of the producers on the farm;

(B) 85 percent of the base acres of the covered commodity of the producers on the farm; and

(C) the payment yield for each covered commodity of the producers on the farm.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Supplemental economic loss 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 supplemental economic loss payments under subsection (a)(2) shall not exceed $147,000,000.

(3) LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall ensure that no person receives supplemental economic loss payments under—

(i) subsection (a)(1) in excess of the per person limitations applicable to a person that receives payments described in subsection (a)(1); and

(ii) subsection (a)(2) in excess of the per dairy operation limitation applicable to producers on a dairy farm described in subsection (a)(2).

(B) ADMINISTRATION.—In carrying out subparagraph (A), the Secretary—

(i) shall establish separate limitations for supplemental economic loss payments received under this section; and

(ii) shall not include the supplemental economic loss payments in applying payment limitations under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1001) for payments made pursuant to the underlying normal operation of the program described in subsection (a)(1) or section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

TITLE IV—CONSERVATION

SEC. 401. EMERGENCY WATERSHED PROTECTION PROGRAM.

The Secretary shall use an additional $60,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Chief of the Natural Resources Conservation Service as of the date of enactment of this Act through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203).

TITLE V—FARM SERVICE AGENCY

SEC. 501. FUNDING FOR ADDITIONAL PERSONNEL.

The Secretary shall use $30,000,000 of funds of the Commodity Credit Corporation to hire additional County Farm Service Agency personnel—

(1) to expedite the implementation of, and delivery under, the agricultural disaster and economic assistance programs under this division; and

(2) as the Secretary determines to be necessary to carry out other agriculture and disaster assistance programs.

TITLE VI—MISCELLANEOUS

SEC. 601. FUNDING.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this division, to remain available until expended.

SEC. 602. REGULATIONS.

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

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

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

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

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

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

TITLE VII—EMERGENCY DESIGNATION

SEC. 701. EMERGENCY DESIGNATION.

The amounts provided in this division are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SA 4961. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, strike lines 19 through 22 and insert the following:

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by inserting ''and shall deem as eligible for funds authorized under this section, any port that the Secretary determines plays a critical role in our national energy policy'' before the period at the end.

SA 4962. Mr. VOINOVICH (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF HEALTH AND SAFETY DURING DISASTERS.

(a) PROTECTION OF HEALTH AND SAFETY OF INDIVIDUALS IN A DISASTER AREA.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by inserting after section 408 the following:

''SEC. 409. PROTECTION OF HEALTH AND SAFETY OF INDIVIDUALS IN A DISASTER AREA.

''(a) DEFINITIONS.—In this section:

''(1) CERTIFIED MONITORING PROGRAM.—The term 'certified monitoring program' means a medical monitoring program—

''(A) in which a participating responder is a participant as a condition of the employment of such participating responder; and

''(B) that the Secretary of Health and Human Services certifies includes an adequate baseline medical screening.

''(2) HIGH EXPOSURE LEVEL.—The term 'high exposure level' means a level of exposure to a substance of concern that is for such a duration, or of such a magnitude, that adverse effects on human health can be reasonably expected to occur, as determined by the President in accordance with human monitoring or environmental or other appropriate indicators.

''(3) INDIVIDUAL.—The term 'individual' includes—

''(A) a worker or volunteer who responds to a disaster, either natural or manmade, involving any mode of transportation in the United States or disrupting the transportation system of the United States, including—

''(i) a police officer;

''(ii) a firefighter;

''(iii) an emergency medical technician;

''(iv) any participating member of an urban search and rescue team; and

''(v) any other relief or rescue worker or volunteer that the President determines to be appropriate;

''(B) a worker who responds to a disaster, either natural or manmade, involving any mode of transportation in the United States or disrupting the transportation system of the United States, by assisting in the cleanup or restoration of critical infrastructure in and around a disaster area;

''(C) a person whose place of residence is in a disaster area, caused by either a natural or manmade disaster involving any mode of transportation in the United States or disrupting the transportation system of the United States;

''(D) a person who is employed in or attends school, child care, or adult day care in a building located in a disaster area, caused by either a natural or manmade disaster involving any mode of transportation in the United States or disrupting the transportation system of the United States, of the United States; and

''(E) any other person that the President determines to be appropriate.

''(4) PARTICIPATING RESPONDER.—The term 'participating responder' means an individual described in paragraph (3)(A).

''(5) PROGRAM.—The term 'program' means a program described in subsection (b) that is carried out for a disaster area.

''(6) SUBSTANCE OF CONCERN.—The term 'substance of concern' means a chemical or other substance that is associated with potential acute or chronic human health effects, the risk of exposure to which could potentially be increased as the result of a disaster, as determined by the President.

''(b) PROGRAM.—

''(1) IN GENERAL.—If the President determines that 1 or more substances of concern are being, or have been, released in an area declared to be a disaster area under this Act and disrupts the transportation system of the United States, the President may carry out a program for the protection, assessment, monitoring, and study of the health and safety of individuals with high exposure levels to ensure that—

''(A) the individuals are adequately informed about and protected against potential health impacts of any substance of concern and potential mental health impacts in a timely manner;

''(B) the individuals are monitored and studied over time, including through baseline and followup clinical health examinations, for—

''(i) any short- and long-term health impacts of any substance of concern; and

''(ii) any mental health impacts;

''(C) the individuals receive health care referrals as needed and appropriate; and

''(D) information from any such monitoring and studies is used to prevent or protect against similar health impacts from future disasters.

''(2) ACTIVITIES.—A program under paragraph (1) may include such activities as—

''(A) collecting and analyzing environmental exposure data;

''(B) developing and disseminating information and educational materials;

''(C) performing baseline and followup clinical health and mental health examinations and taking biological samples;

''(D) establishing and maintaining an exposure registry;

''(E) studying the short- and long-term human health impacts of any exposures through epidemiological and other health studies; and

''(F) providing assistance to individuals in determining eligibility for health coverage and identifying appropriate health services.

''(3) TIMING.—To the maximum extent practicable, activities under any program carried out under paragraph (1) (including baseline health examinations) shall be commenced in a timely manner that will ensure the highest level of public health protection and effective monitoring.

''(4) PARTICIPATION IN REGISTRIES AND STUDIES.—

''(A) IN GENERAL.—Participation in any registry or study that is part of a program carried out under paragraph (1) shall be voluntary.

''(B) PROTECTION OF PRIVACY.—The President shall take appropriate measures to protect the privacy of any participant in a registry or study described in subparagraph (A).

''(C) PRIORITY.—

''(i) IN GENERAL.—Except as provided in clause (ii), the President shall give priority in any registry or study described in subparagraph (A) to the protection, monitoring and study of the health and safety of individuals with the highest level of exposure to a substance of concern.

''(ii) MODIFICATIONS.—Notwithstanding clause (i), the President may modify the priority of a registry or study described in subparagraph (A), if the President determines such modification to be appropriate.

''(5) COOPERATIVE AGREEMENTS.—

''(A) IN GENERAL.—The President may carry out a program under paragraph (1) through a cooperative agreement with a medical institution, including a local health department, or a consortium of medical institutions.

''(B) SELECTION CRITERIA.—To the maximum extent practicable, the President shall select, to carry out a program under paragraph (1), a medical institution or a consortium of medical institutions that—

''(i) is located near—

''(I) the disaster area with respect to which the program is carried out; and

''(II) any other area in which there reside groups of individuals that worked or volunteered in response to the disaster; and

''(ii) has appropriate experience in the areas of environmental or occupational health, toxicology, and safety, including experience in—

''(I) developing clinical protocols and conducting clinical health examinations, including mental health assessments;

''(II) conducting long-term health monitoring and epidemiological studies;

''(III) conducting long-term mental health studies; and

''(IV) establishing and maintaining medical surveillance programs and environmental exposure or disease registries.

''(6) INVOLVEMENT.—

''(A) IN GENERAL.—In carrying out a program under paragraph (1), the President shall involve interested and affected parties, as appropriate, including representatives of—

''(i) Federal, State, and local government agencies;

''(ii) groups of individuals that worked or volunteered in response to the disaster in the disaster area;

''(iii) local residents, businesses, and schools (including parents and teachers);

''(iv) health care providers;

''(v) faith based organizations; and

''(vi) other organizations and persons.

''(B) COMMITTEES.—Involvement under subparagraph (A) may be provided through the establishment of an advisory or oversight committee or board.

''(7) PRIVACY.—The President shall carry out each program under paragraph (1) in accordance with regulations relating to privacy promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note; Public Law 104–191).

''(8) EXISTING PROGRAMS.—In carrying out a program under paragraph (1), the President may—

''(A) include the baseline clinical health examination of a participating responder under a certified monitoring programs; and

''(B) substitute the baseline clinical health examination of a participating responder under a certified monitoring program for a baseline clinical health examination under paragraph (1).

''(c) REPORTS.—Not later than 1 year after the establishment of a program under subsection (b)(1), and every 5 years thereafter, the President, or the medical institution or consortium of such institutions having entered into a cooperative agreement under subsection (b)(5), shall submit a report to the Secretary of Homeland Security, the Secretary of Health and Human Services, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and appropriate committees of Congress describing the programs and studies carried out under the program.''.

(b) NATIONAL ACADEMY OF SCIENCES REPORT ON DISASTER AREA HEALTH AND ENVIRONMENTAL PROTECTION AND MONITORING.—

(1) IN GENERAL.—The Secretary, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency shall jointly enter into a contract with the National Academy of Sciences to conduct a study and prepare a report on disaster area health and environmental protection and monitoring.

(2) PARTICIPATION OF EXPERTS.—The report under paragraph (1) shall be prepared with the participation of individuals who have expertise in—

(A) environmental health, safety, and medicine;

(B) occupational health, safety, and medicine;

(C) clinical medicine, including pediatrics;

(D) environmental toxicology;

(E) epidemiology;

(F) mental health;

(G) medical monitoring and surveillance;

(H) environmental monitoring and surveillance;

(I) environmental and industrial hygiene;

(J) emergency planning and preparedness;

(K) public outreach and education;

(L) State and local health departments;

(M) State and local environmental protection departments;

(N) functions of workers that respond to disasters, including first responders;

(O) public health; and

(P) family services, such as counseling and other disaster-related services provided to families.

(3) CONTENTS.—The report under paragraph (1) shall provide advice and recommendations regarding protecting and monitoring the health and safety of individuals potentially exposed to any chemical or other substance associated with potential acute or chronic human health effects as the result of a disaster, including advice and recommendations regarding—

(A) the establishment of protocols for monitoring and responding to chemical or substance releases in a disaster area to protect public health and safety, including—

(i) chemicals or other substances for which samples should be collected in the event of a disaster, including a terrorist attack;

(ii) chemical- or substance-specific methods of sample collection, including sampling methodologies and locations;

(iii) chemical- or substance-specific methods of sample analysis;

(iv) health-based threshold levels to be used and response actions to be taken in the event that thresholds are exceeded for individual chemicals or other substances;

(v) procedures for providing monitoring results to—

(I) appropriate Federal, State, and local government agencies;

(II) appropriate response personnel; and

(III) the public;

(vi) responsibilities of Federal, State, and local agencies for—

(I) collecting and analyzing samples;

(II) reporting results; and

(III) taking appropriate response actions; and

(vii) capabilities and capacity within the Federal Government to conduct appropriate environmental monitoring and response in the event of a disaster, including a terrorist attack; and

(B) other issues specified by the Secretary, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

SA 4963. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE __—INTEROPERABILITY

SEC. —01. INTEROPERABLE EMERGENCY COMMUNICATIONS.

(a) IN GENERAL.—Section 3006 of Public Law 109–171 (47 U.S.C. 309 note) is amended by redesignating subsection (d) as subsection (i) and by inserting after subsection (c) the following:

''(d) INTEROPERABLE COMMUNICATIONS SYSTEM EQUIPMENT DEPLOYMENT.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall allocate at least 25 percent of the funds made available to carry out this section to make interoperable communications system equipment grants for equipment that can utilize, or enable interoperability with systems or networks that can utilize, reallocated public safety spectrum.

''(2) ALLOCATION OF FUNDS.—The Secretary shall allocate—

''(A) a majority of the amounts allocated under paragraph (1) for distribution to public safety agencies based on the threat and risk factors used by the Secretary for the purposes of allocating discretionary grants under the heading 'OFFICE FOR DOMESTIC PREPAREDNESS, STATE AND LOCAL PROGRAMS' in the Department of Homeland Security Appropriations Act, 2006; and

''(B) the remainder equally to each State for distribution by the States to public safety agencies.

''(3) ELIGIBILITY.—A State may not receive funds allocated to it under paragraph (2) unless it has established a statewide interoperable communications plan approved by the Secretary.

''(4) USE OF FUNDS.—A public safety agency shall use any funds received under this subsection for the purchase of interoperable communications system equipment and infrastructure that is consistent with SAFECOM guidance, including any standards that may be referenced by SAFECOM guidance, and interoperable communications system equipment and infrastructure that improves interoperability that uses Internet protocol or any successor protocol.

''(e) COORDINATION, PLANNING, AND TRAINING GRANT INITIATIVE.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall allocate at least 25 percent of the funds made available to carry out this section for interoperable emergency communications coordination, planning, and training grants. The grants shall supplement, and be in addition to, any Federal funds otherwise made available by grant or otherwise to the States for emergency coordination, planning, or training.

''(2) ALLOCATION.—The Secretary shall allocate—

''(A) a majority of the amounts allocated under paragraph (1) for distribution to the States based on the threat and risk factors used by the Secretary for the purposes of allocating discretionary grants under the heading ''OFFICE FOR DOMESTIC PREPAREDNESS, STATE AND LOCAL PROGRAMS'' in the Department of Homeland Security Appropriations Act, 2006; and

''(B) the remainder equally to each State for distribution to public safety agencies.

''(3) COORDINATION, PLANNING, AND TRAINING GUIDELINES.—A State shall use its emergency communication coordination, planning, and training grant to establish a statewide plan consistent with the State communications interoperability planning methodology developed by the SAFECOM program within the Department of Homeland Security or a regional plan established by a regional planning agency consistent with this section and to establish training programs designed to ensure effective implementation of coordination and interoperability plans. In establishing the statewide plan, the Governor or the Governor's designee shall consult with the Secretary of Homeland Security or the Secretary of Homeland Security's designee. A State shall submit its statewide plan to the Federal Communications Commission and the Secretary of Homeland Security.

''(4) MEDICAL SERVICES.—As part of its statewide plan, a State shall ensure that—

''(A) there are effective 2-way communications and information sharing between medical services and other emergency response entities, including communications among key strategic emergency responders, emergency medical care facilities, and Federal, State, and local authorities in the event of a national, regional, or other large-scale emergency, and redundancy in the event of a failure of the primary communications systems; and

''(B) medical emergency responses are integrated into all planning and decision-making practices for emergency response.

''(5) STATE-SPECIFIC COORDINATION, PLANNING, AND TRAINING.—Grants under this section shall be available for emergencies and disasters, such as hurricanes, forest fires, and mining accidents.

''(f) STRATEGIC TECHNOLOGY RESERVES INITIATIVE.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall allocate up to 25 percent of the funds made available to carry out this section to establish and implement a strategic technology reserve to pre-position or secure interoperable communications systems in advance for immediate deployment in an emergency or major disaster (as defined in section 102(2) of Public Law 93–288 (42 U.S.C. 5122)). In carrying out this paragraph, the Secretary shall take into consideration the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and ensure that, to the maximum extent feasible, a substantial part of the reserve involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems rather than the warehousing or storage of equipment and supplies currently available at the time the reserve is established.

''(2) REQUIREMENTS AND CHARACTERISTICS.—A reserve established under paragraph (1) shall—

''(A) be capable of re-establishing communications when existing infrastructure is damaged or destroyed in an emergency or a major disaster;

''(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones, satellite equipment, Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

''(C) include equipment on hand for the Governor of each State, key emergency response officials, and appropriate State or local personnel;

''(D) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources; and

''(E) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts.

''(3) ADDITIONAL CHARACTERISTICS.—Portions of the reserve may be virtual and may include items donated on an in-kind contribution basis.

''(4) CONSULTATION.—In developing the reserve, the Secretary shall seek advice from the Secretary of Defense, as well as national public safety organizations, emergency managers, State, local, and tribal governments, and commercial providers of such systems and equipment.

''(5) ALLOCATION AND USE OF FUNDS.—The Secretary shall allocate—

''(A) a portion of the reserve's funds for block grants to States to enable each State to establish a strategic technology reserve within its borders in a secure location to allow immediate deployment; and

''(B) a portion of the reserve's funds for regional Federal strategic technology reserves to facilitate any Federal response when necessary, to be held in each of the Federal Emergency Management Agency's regional offices, including Boston, Massachusetts (Region 1), New York, New York (Region 2), Philadelphia, Pennsylvania (Region 3), Atlanta, Georgia (Region 4), Chicago, Illinois (Region 5), Denton, Texas (Region 6), Kansas City, Missouri (Region 7), Denver, Colorado (Region 8), Oakland, California (Region 9), Bothell, Washington (Region 10), and each of the noncontiguous States for immediate deployment.

''(g) CONSENSUS STANDARDS; APPLICATIONS.—

''(1) CONSENSUS STANDARDS.—In carrying out this section, the Secretary of Homeland Security shall identify, and if necessary encourage the development and implementation of, consensus standards for interoperable communications systems to the greatest extent practicable.

''(2) APPLICATIONS.—To be eligible for assistance under the programs established in this section, each State shall submit an application, at such time, in such form, and containing such information as the Secretary may require, including—

''(A) a detailed explanation of how assistance received under the program would be used to improve local communications interoperability and ensure interoperability with other appropriate public safety agencies in an emergency or a major disaster; and

''(B) assurance that the equipment and system would—

''(i) be compatible with the communications architecture developed under section 7303(a)(1)(E) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)(E));

''(ii) meet any voluntary consensus standards developed under section 7303(a)(1)(D) of that Act (6 U.S.C. 194(a)(1)(D); and

''(iii) be compatible with the common grant guidance established under section 7303(a)(1)(H) of that Act (6 U.S.C. 194(a)(1)(H)).

''(h) DEADLINE FOR IMPLEMENTATION REGULATIONS.—Within 90 days after the date of enactment of the Port Security Improvement Act 0f 2006, the Secretary, in consultation with the Federal Communications Commission, shall promulgate regulations for the implementation of subsections (d) through (f) of this section.''.

(b) SEAMLESS MOBILITY.—Within 180 days after the date of enactment of this Act, the Federal Communications Commission shall streamline its process for certifying multimode devices that permit communication across multiple platforms, facilities, or networks in a manner consistent with the public interest.

(c) FCC REPORT ON EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission, in coordination with the Secretary of Homeland Security, shall evaluate the technical feasibility of creating a back-up emergency communications system that complements existing communications resources and takes into account next generation and advanced telecommunications technologies. The overriding objective for the evaluation shall be providing a framework for the development of a resilient interoperable communications system for emergency responders in an emergency. The Commission shall evaluate all reasonable options, including satellites, wireless, and terrestrial-based communications systems and other alternative transport mechanisms that can be used in tandem with existing technologies.

(2) FACTORS TO BE EVALUATED.—The evaluation under paragraph (1) shall include—

(A) a survey of all Federal agencies that use terrestrial or satellite technology for communications security and an evaluation of the feasibility of using existing systems for the purpose of creating such an emergency back-up public safety communications system;

(B) the feasibility of using private satellite, wireless, or terrestrial networks for emergency communications;

(C) the technical options, cost, and deployment methods of software, equipment, handsets, or desktop communications devices for public safety entities in major urban areas, and nationwide; and

(D) the feasibility and cost of necessary changes to the network operations center of terrestrial-based or satellite systems to enable the centers to serve as emergency back-up communications systems.

(3) REPORT.—Upon the completion of the evaluation under paragraph (1), the Commission shall submit a report to Congress that details the findings of the evaluation, including a full inventory of existing public and private resources most efficiently capable of providing emergency communications.

(d) INTEROPERABLE COMMUNICATIONS AND E–911 SERVICES.—The Secretary of Homeland Security shall take into consideration the role of public safety answering points and E-911 systems, and shall reserve a portion of the funds made available to carry out section 3006 of Public Law 109–171 (47 U.S.C. 309 note) to provide interoperable communication system grants for projects to public safety answering points that enable interoperability and that advance E-911 deployment.

SEC. —02. TRANSFER OF PUBLIC SAFETY GRANT PROGRAM TO THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Section 3006 of Public Law 109–171 (47 U.S.C. 309 note) is amended—

(1) by striking ''The Assistant Secretary, in consultation with the'' in subsection (a) and inserting ''The''; and

(2) by striking ''Assistant Secretary'' each place it appears in subsection (b) and inserting ''Secretary of Homeland Security''.

(b) USE OF FUNDS.—In carrying out section 3006(a) of Public Law 109–171 (47 U.S.C. 309 note), as amended by subsection (a), the Secretary of Homeland Security may not use funds under that section for any purpose other than those provided in section 3006 of that Act.

SEC. —03. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANTS.

Pursuant to section 3006 of Public Law 109–171 (47 U.S.C. 309 note), the Secretary of Homeland Security, in coordination with the Secretary of Commerce, shall award no less than $1,000,000,000 for public safety interoperable communications grants no later than September 30, 2006.

SEC. —04. ELIGIBILITY OF IP-ENABLED SERVICES.

Section 158(a)(1)(A) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(a)(1)(A)) is amended by striking ''services;'' and inserting ''services and services related to the migration to an IP-enabled emergency network that provides E–911 services;''.

SA 4964. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ———. EXTENSION OF REQUIREMENT FOR AIR CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PASSENGER SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking ''November 19, 2005.'' and inserting ''November 30, 2007.''.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 14, 2006, at 9:30 a.m in room 485 of the Russell Senate Office Building to conduct a hearing on the nomination of Carl J. Artman to be Assistant Secretary for Indian Affairs, U.S. Department of the Interior, Washington, DC. to be followed immediately by a business meeting to approve the nomination of Carl J. Artman.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, September 27th, at 10 a.m. in room SD–628 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 3599, to establish the Prehistoric Trackways National Monument in the State of New Mexico; S. 3794, to provide for the implementation of the Owyhee Initiative Agreement, and for other purposes; S. 3854, to designate certain land in the State of Oregon as wilderness, and for other purposes; H.R. 3603, to promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes; and H.R. 5025, to protect for future generations the recreational opportunities, forests, timber, clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon, and for other purposes.

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 Frank Gladics at 202–224–2878, Dick Bouts at 202–224–7545, or Sara Zecher 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 12, 2006, at 10 a.m., to conduct a hearing on ''Examining Treasury's Role in Combating Terrorist Financing Five Years After 9/11.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet at 10 a.m. on Tuesday, September 12, 2006, to discuss pending nominations.

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

COMMITTEE ENERGY AND NATURAL RESOURCES

Mr. CHAMBLISS. 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 Tuesday, September, 12 at 10 a.m. The purpose of the hearing is to receive testimony relating to the effects of the BP pipeline failure in the Prudhoe Bay oil field on U.S. oil supply and to examine what steps may be taken to prevent a recurrence of such an event.

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

COMMITTEE ON FINANCE

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 12, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Breaking the Methamphetamine Supply Chain: Law Enforcement Challenges''.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CHAMBLISS. Mr. President, I, ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 12, 2006, at 11 a.m. to hold a hearing on nominations.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, September 12, 2006, at 9:30 a.m. for a hearing titled, ''Homeland Security: The Next Five Years.''

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

COMMITTEE ON THE JUDICIARY

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''The Thompson Memorandum's Effect on the Right to Counsel in Corporate Investigations'' on Tuesday, September 12, 2006 at 9:30 a.m. in Dirksen Room 226.

Witness List

Panel I: The Honorable Paul J. McNulty, Deputy Attorney General, Department of Justice, Washington, DC,

Panel II: The Honorable Edwin Meese, Former Attorney General, Ronald Reagan Distinguished Fellow in Public Policy, Chairman, Center for Legal and Judicial Studies, the Heritage Foundation, Washington, DC; Thomas J. Donohue, President and CEO, U.S. Chamber of Commerce, Washington, DC; Karen J. Mathis, Esq., President, American Bar Association, Chicago, IL; Andrew Weissmann, Esq., Partner, Jenner & Block LLP, New York, NY; Mark B. Sheppard, Esq., Partner, Sprague & Sprague, Philadelphia, PA.

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

COMMITTEE ON THE JUDICIARY

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Tuesday, September 12, 2006 at 2 p.m. in Dirksen Room 226.

Witness List

Panel I: The Honorable RICK SANTORUM, United States Senator, R–PA; The Honorable DIANNE FEINSTEIN, United States Senator, D–CA; The Honorable JAMES M. INHOFE, United States Senator, R–OK; The Honorable TOM COBURN, United States Senator, R–OK; The Honorable SAXBY CHAMBLISS, United States Senator, R–GA; The Honorable JOHNNY ISAKSON, United States Senator, R–GA.

Panel II: Nora Barry Fischer to be United States District Judge for the Western District of Pennsylvania, Gregory Frizzell to be United States District Judge for the Northern District of Oklahoma, Lawrence Joseph O'Neill to be United States District Judge for the Eastern District of California, Lisa Wood to be United States District Judge for the Southern District of Georgia.

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

PRIVILEGES OF THE FLOOR

Mr. INOUYE. Mr. President, I ask unanimous consent that Amber Mace and Heather Ludemann, legislative fellows with the Commerce Committee, be accorded the privilege of the floor during consideration of H.R. 4954, the Security and Accountability For Every Port Act or the SAFE Port Act.

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

HONORING THE DETROIT SHOCK ON WINNING THE 2006 WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 567, 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. 567) honoring the Detroit Shock on winning the 2006 Women's National Basketball Association Championship.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, Saturday, September 9, 2006, was a great day for the Detroit Shock and for the people of Michigan. A crowd of over 19,600 at the Joe Louis Arena joined with the rest of Michigan in celebrating the Shock's

second championship win and a tense victory in the fifth game against the reigning champions, the Sacramento Monarchs.

In 2003, when the Detroit Shock came back after a difficult 2002 season to win the championship, it was the first time in the 7-year history of the WNBA that the championship title was taken by a team other than Houston or Los Angeles.

The finals were tense, as the Shock started off with a loss at the Palace of Auburn Hills, in Michigan on August 30, which they followed up with a 73 to 63 win on Friday, September 1. As the finals moved to the Arco Arena in Sacramento, California, the Shock suffered another loss in the third game. With strength and courage, the Shock beat the Monarchs 72 to 52 in an away win on Wednesday, September 6. With one game left to go, and the prospect of overtaking the WNBA reigning champion, the Shock moved into the Joe Louis Arena for the last game of the finals.

The heat was on as the Sacramento Monarchs led for the first half of the game and went into halftime with a 44 to 36 lead over the Shock. In the beginning of the second half, Deanna Nolan led the Shock to an 18 to 3 scoring run that put the Shock ahead for the rest of the game. The final two points were scored in the last seconds of the game by Katie Smith, with a 17-foot jump shot that made the Detroit Shock one of the very few teams to have achieved multiple championships in the WNBA.

The win over the Monarchs in the deciding game showcased the spectacular performances of the Most Valuable Player of the 2006 WNBA Finals, Deanna Nolan, who, with a total of 24 points, led the game in points scored; Cheryl Ford, who led the game in rebounds, recovered 10 rebounds in addition to scoring 10 points; Katie Smith, who scored 17 points; and the rest of the Shock teammates.

Each member of the Detroit Shock organization made meaningful contributions to the team's success, including players Jacqueline Batteast, Kara Braxton, Swin Cash, Cheryl Ford, Kedra Holland-Corn, Deanna Nolan, Plenette Pierson, Elaine Powell, Ruth Riley, Katie Smith, and Angelina Williams, as well as the Head Coach, Bill Laimbeer, Assistant Coaches Cheryl Reeve and Rick Mahorn, Athletic Trainer Mike Perkins, and the owner of the Detroit Shock, Bill Davidson.

This championship win marks the fourth professional basketball title for Head Coach Bill Laimbeer, including two as coach of the Detroit Shock and two as a player for the Detroit Pistons. This is the fifth championship title for Detroit Shock owner Bill Davidson's Detroit teams.

I know that my colleagues will join me and Senator STABENOW in congratulating the Detroit Shock on another spectacular championship win, and I know that the Shock will continue to be a source of pride for the people of the City of Detroit and throughout the whole State of Michigan.

Ms. STABENOW. Mr. President, I rise today to commend the Detroit Shock on winning the 2006 Women's National Basketball Association Championship.

On Saturday, September 9, 2006, the Detroit Shock won their second WNBA Championship by defeating the defending champion Sacramento Monarchs by a score of 80 to 75.

The Detroit Shock were able to celebrate the tenth year of the WNBA with an inspiring victory in the fifth game of the finals and secured their second championship in four years.

The attendance for game 5 at the Joe Louis Arena was over 19,600 people. The enthusiasm shown by the people of Michigan clearly demonstrate Michigan's strong support for the Detroit Shock organization and the determined effort of all of its players.

The Shock completed an incredible season! It was capped by spectacular performances in the deciding game by the WNBA Finals Most Valuable Player, Deanna Nolan, who scored a game high 24 points. Cheryl Ford, who had a game high 10 rebounds, in addition to scoring 10 points; and Katie Smith also contributed 17 points.

Head Coach Bill Laimbeer has now won four professional basketball titles, including two as coach of the Detroit Shock and two as a player for the Detroit Pistons. And the Detroit Shock owner Bill Davidson's Detroit. teams have won five championship titles, including three Pistons' Titles.

The Shock demonstrated superior strength, skill, and perseverance during the 2006 season and have made the City of Detroit and the entire State of Michigan proud.

I congratulate the Detroit Shock on winning the 2006 WNBA Championship and recognize all the players, coaches, staff, fans, and others who were instrumental in this great achievement.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements related thereto be printed in the RECORD.

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

The resolution, (S. Res 567) was agreed to.

The preamble was agreed to.

The resolutions with its preamble, reads as follows:

S. RES. 567

Whereas, on Saturday, September 9, 2006, the Detroit Shock won the 2006 Women's National Basketball Association (WNBA) Championship by defeating the defending champion Sacramento Monarchs by a score of 80 to 75;

Whereas the Detroit Shock triumphed in 5 highly competitive championship games, going into the final championship game with 1 win and 1 loss in Michigan and 1 win and 1 loss in California;

Whereas the Detroit Shock were able to celebrate the tenth year of the WNBA and the eighth year of the Detroit Shock with an inspiring victory in the fifth championship game that secured their second WNBA championship in 4 years;

Whereas the attendance at the final championship game at the Joe Louis Arena in Detroit, Michigan, of over 19,600 people and the enthusiasm shown by the people of Michigan clearly demonstrate Michigan's strong support for the Detroit Shock organization and the determined effort of all the team's players;

Whereas the Detroit Shock completed an incredible season, capped by spectacular performances in the final championship game by the Most Valuable Player of the 2006 WNBA Finals, Deanna Nolan, who, with a total of 24 points, led the game in points scored, Cheryl Ford, who led the game in rebounds, recovering 10 rebounds in addition to scoring 10 points, and Katie Smith, who scored 17 points;

Whereas each member of the Detroit Shock organization made meaningful contributions to the team's success, including players Jacqueline Batteast, Kara Braxton, Swin Cash, Cheryl Ford, Kedra Holland-Corn, Deanna Nolan, Plenette Pierson, Elaine Powell, Ruth Riley, Katie Smith, and Angelina Williams, Head Coach Bill Laimbeer, Assistant Coaches Cheryl Reeve and Rick Mahorn, Athletic Trainer Mike Perkins, and the owner of the Detroit Shock, Bill Davidson;

Whereas Detroit Shock Head Coach Bill Laimbeer has won 4 professional basketball titles, including 2 as the coach of the Detroit Shock and 2 as a player for the Detroit Pistons;

Whereas Detroit Shock owner Bill Davidson's 2 Detroit basketball teams have won 5 championship titles; and

Whereas the Detroit Shock demonstrated superior strength, skill, and perseverance during the 2006 season and have made the City of Detroit and the entire State of Michigan proud: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Detroit Shock on winning the 2006 Women's National Basketball Association Championship and recognizes all the players, coaches, staff, fans, and others who were instrumental in this great achievement; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Detroit Shock for appropriate display.

CONGRATULATING THE COLUMBUS NORTHERN LITTLE LEAGUE TEAM

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 568 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 568) congratulating the Columbus Northern Little League Team of Columbus, GA, for winning the championship game of the Little League World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. OBAMA. Mr. President, I rise today to join my colleagues from Georgia in congratulating the Columbus Northern Little League team for winning the Little League World Series.

I would also like to congratulate a team from my home State, the Lemont Little League team from Lemont, IL. On August 23, these young athletes competed in the U.S. semifinals of the Little League World Series. It was the

culmination of a long journey. After earning the honor of representing Illinois, the Lemont team traveled to the Great Lakes Regional Tournament in Indianapolis. Early in the regional, they lost games to both Indiana and Kentucky. But they turned things around, beating both of those teams to advance to World Series play in Williamsport, PA.

Once again, the team was challenged, losing in its first game. But again, they did not quit, and won their next two games to advance to the U.S. semifinals. The semifinal game against Beaverton, OR, was hard fought. Lemont got on the board first with two runs in the third, but going into the bottom of the sixth and final inning, they were down 4–2. Exhibiting the strength and spirit that got them this far, they rallied, scored and got the tying run to third, but still lost 4–3.

The young men of Lemont Little League had a terrific run, and I congratulate them for going this far into the tournament. Baseball is a wonderful sport and as the summer winds down, I am sure the boys are already looking to next year. I wish them continued success.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 568) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 568

Whereas, on August 28, 2006, the Columbus Northern Little League team defeated the Kawaguchi Little League team of Kawaguchi City, Japan, by 2 runs to 1 run to win the 60th annual Little League Baseball World Series;

Whereas the Columbus Northern Little League team is only the 2nd team from the State of Georgia to win the Little League Baseball World Series in the 60-year history of that tournament;

Whereas the Columbus Northern Little League team had an impressive record of 20 wins and only 1 loss;

Whereas, although no other pitcher in the history of the Little League Baseball World Series had ever won more than 3 games during the tournament, Kyle Carter made history by striking out 11 batters in the championship game to earn his 4th win of the Little League Baseball World Series;

Whereas the success of the Columbus Northern Little League team depended on the tremendous dedication and sportsmanship of the team, including—

(1) Matthew Hollis, who played 2nd base and centerfield;

(2) Ryan Lang, who played right field;

(3) Mason Meyers, who played right field and 3rd base;

(4) Matthew Kuhlenberg, who played left field;

(5) Patrick Stallings, who played 3rd base;

(6) Josh Lester, who played 2nd base and shortstop;

(7) Brady Hamilton, who played 1st base, outfield, and pitched for the team;

(8) Cody Walker, who caught for the team;

(9) Kyle Carter, who pitched for the team;

(10) J.T. Phillips, who played shortstop and pitched for the team; and

(11) Kyle Rovig, who played left field and pitched for the team;

Whereas the Columbus Northern Little League team was managed by Randy Morris and coached by Richard Carter, each of whom demonstrated leadership, professionalism, and respect for the players who they led and the game of baseball;

Whereas the fans of the Columbus Northern Little League team showed enthusiasm, support, and courtesy for the game of baseball and all of the players and coaches;

Whereas the performance of the Columbus Northern Little League team demonstrated to parents and communities throughout the United States that athletic participation builds character and leadership in children; and

Whereas the Columbus Northern Little League team brought pride and honor to the State of Georgia and the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates and honors the Columbus Northern Little League team and the loyal fans who supported the team on winning the 60th annual Little League Baseball World Series;

(2) recognizes and commends the hard work, dedication, determination, and commitment to excellence of the members, parents, coaches, and managers of the Columbus Northern Little League team;

(3) recognizes and commends the people of Columbus, Georgia, for the outstanding loyalty and support that they displayed for the Columbus Northern Little League team throughout the season;

(4) commends Little League Baseball for continuing the tradition of encouraging the development of sportsmanship and confidence in youth by sponsoring world-class baseball; and

(5) respectfully requests that—

(A) the American people recognize the achievements of the Columbus Northern Little League team; and

(B) the Secretary of the Senate transmit an enrolled copy of this resolution to—

(i) the City of Columbus; and

(ii) each player, manager, and coach of the Columbus Northern Little League Baseball team.

MAKING TECHNICAL CORRECTIONS TO THE UNITED STATES CODE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 593, H.R. 866.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 866) to make technical corrections to the United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 866) was read the third time and passed.

MEASURES READ THE FIRST TIME—S. 3884 AND S. 3886

Mr. FRIST. I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 3884) to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

A bill (S. 3886) to authorize military commissions to bring terrorists to justice, to strengthen and modernize terrorist surveillance capabilities, and for other purposes.

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection is heard.

ORDER FOR STAR PRINT—S. 3815

Mr. FRIST. I ask unanimous consent S. 3815 be star printed with the changes at the desk.

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

REINTRODUCING S. 3815

Mr. SMITH. Mr. President, today, I am taking a parliamentary step to, in effect, reintroduce S. 3815, a bill I sponsored with Senator LINCOLN, that would improve access to and quality of long-term care. By doing this, we are removing a provision from the original text of the bill that we did not intend, nor agree, to include in our legislation. Due to human error, a provision entitled ''Liability Acts of Abuse Committed by Employees'' was incorrectly included in text of the bill that I introduced with Senator LINCOLN on August 3, 2006.

Mrs. LINCOLN. I thank Senator SMITH for taking this step to correct this error because I do not support the provision regarding liability protection for acts of abuse in nursing homes that was mistakenly included in the version of S. 3815 I cosponsored with Senator SMITH on August 3, 2006. The parliamentary step taken today will replace the incorrect version of legislation with a new version that accurately reflects the bill Senator SMITH and I agreed to sponsor to help improve the quality of life for those who need long-term care.

EXECUTIVE SESSION

INVESTMENT TREATY WITH URUGUAY—TREATY DOCUMENT 109–9

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider the following treaty on today's Executive Calendar: No. 17. I further ask unanimous consent the treaty be considered as having passed through its various

parliamentary stages up to and including the presentation of the resolution of ratification; that any committee conditions, declarations, or reservations be agreed to as applicable; that any statements be printed in the CONGRESSIONAL RECORD as if read; further, that when the resolution of ratification is voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaty, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered. The treaty will be considered to have passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

INVESTMENT TREATY WITH URUGUAY (TREATY DOC. 109–9)

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the United States of America and the Oriental Republic of Uruguay Concerning the Encouragement and Reciprocal Protection of Investment, with Annexes and Protocol, signed at Mar del Plata on November 4, 2005 (Treaty Doc. 109–9).

Mr. FRIST. I ask for a division vote of the resolution of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please rise.

Those opposed will rise and stand until counted.

In the opinion of the Chair, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR WEDNESDAY, SEPTEMBER 13, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, September 13. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for morning business for up to 30 minutes with the first 15 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the Republican leader or his designee; further, following morning business, the Senate resume consideration of H.R. 4954, the port security bill, as under the previous order.

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

Mr. FRIST. Mr. President, under an agreement reached this evening, we will turn to the pending Reid amendment tomorrow following morning business with the time equally divided until 12:15. At 12:15, we will have a vote in relation to this amendment. This will be the first vote of tomorrow's session.

A few moments ago, I filed a cloture motion on the bill. We have a number of amendments to work through. We will complete this bill this week. Senators are reminded that all first-degree amendments must be filed by 1 o'clock tomorrow.

ADJOURNMENT UNTIL 9:30 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 7:20 p.m., adjourned until Wednesday, September 13, 2006, at 9:30 a.m.