

SA 4975. Mr. BIDEN proposed an amendment to the bill H.R. 4954, supra.

SA 4976. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra.

SA 4977. Mr. LEVIN 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 4978. Mrs. BOXER 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 4979. Mr. FEINGOLD 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 4980. 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 4981. Mr. CONRAD 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 4982. Mr. COLEMAN (for himself, Ms. COLLINS, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4983. 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 4984. Mr. LEVIN 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 4985. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4986. 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 4987. Mr. LAUTENBERG (for himself, Mr. OBAMA, Mr. KERRY, Mr. BIDEN, Mr. MENENDEZ, Mr. DURBIN, Mrs. BOXER, and Mr. JEFFORDS) 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 4988. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4989. Ms. COLLINS (for herself and Mr. LIEBERMAN) 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 4990. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4991. 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 4992. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4993. Mr. DEMINT 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 4994. Mr. MCCAIN (for himself and Mrs. BOXER) 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 4995. Mrs. BOXER 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 4996. Ms. LANDRIEU 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 4997. Mr. MENENDEZ 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 4998. Mr. MENENDEZ 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 4999. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. BIDEN, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 5000. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra.

SA 5001. Mr. WYDEN (for himself and Mr. SMITH) 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 5002. Mr. LIEBERMAN (for himself, Mr. STEVENS, and Mr. INOUE) 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 5003. Mr. BAUCUS (for himself, Ms. STABENOW, Mr. MENENDEZ, Ms. CANTWELL, Mrs. BOXER, Mr. CARPER, Mrs. CLINTON, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. HARKIN, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. NELSON, of Florida, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SCHUMER, Mrs. MURRAY, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. OBAMA, Mr. REED, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 4096, to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation; which was ordered to lie on the table.

SA 5004. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4096, supra; which was ordered to lie on the table.

SA 5005. Mr. REID 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.

SA 5006. Mr. STEVENS (for Mr. MCCAIN (for himself and Mr. KYL)) proposed an amendment to the bill S. 2464, to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes.

TEXT OF AMENDMENTS

SA 4965. Mr. ROCKEFELLER 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. ____ OVERNIGHT AIR TRAFFIC CONTROLLER OPERATIONS.

The Secretary of Transportation, for 18 months after the date of enactment of this Act, may not—

(1) terminate, or reduce staffing for, overnight air traffic control services at any airport where such services are being provided on the date of enactment of this Act; nor

(2) transfer the operational responsibility for such services at that airport to another airport or other remote location.

SA 4966. Mr. ROCKEFELLER 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. ____ AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING PROGRAM.

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

(b) INCORPORATION OF PROGRAM INTO "SECURE FLIGHT" PROGRAM.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall take action to ensure that the aircraft charter customer and lessee prescreening process mandated by section 44903(j)(2) of title 49, United States Code, is incorporated into development of the Department of Homeland Security's "Secure Flight" program.

(c) FEASIBILITY STUDY; PILOT PROGRAM.—The Assistant Secretary shall—

(1) study the feasibility of mandating the use of the "Secure Flight" program for all charter and leased aircraft with a gross aircraft weight in excess of 12,500 pounds; and

(2) consider initiating a pilot program at the 5 largest general aviation airports in terms of traffic volume to assess the viability and security value of mandating the use of the program for all such aircraft.

SA 4967. Mrs. MURRAY (for Ms. STABENOW (for herself, Mr. LIEBERMAN, Mr. LEVIN, Mr. SCHUMER, Mr. DURBIN, Mrs. BOXER, and Mr. DAYTON)) 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. ____ 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 or metropolitan division, as those terms are 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 4968. Mr. NELSON of Florida 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 27, between lines 20 and 21, insert the following:

(h) EXPANSION TO OTHER UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—As soon as practicable after—

(A) implementation of the program for the examination of containers for radiation at ports of entry described in subsection (a), and

(B) submission of the strategy developed under subsection (b) (and updating, if any, of that strategy under subsection (c)),

but no later than December 31, 2008, the Secretary shall expand the strategy developed under subsection (b), in a manner consistent with the requirements of subsection (b), to provide for the deployment of radiation detection capabilities at all other United States ports of entry not covered by the strategy developed under subsection (b).

(2) RISK ASSESSMENT.—In expanding the strategy under paragraph (1), the Secretary shall identify and assess the risks to those other ports of entry in order to determine what equipment and practices will best mitigate the risks.

SA 4969. 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. ____ STUDY ON THE COMPETITIVENESS OF UNITED STATES PORT TERMINAL OPERATORS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, in consultation with the

Secretary of the Treasury, the Commissioner, the Administrator of the Maritime Administration, the Secretary of Transportation, and the United States Trade Representative, conduct a study into the decline in the number of United States persons that operate United States port terminals. The study shall—

(1) examine the history of United States and foreign ownership of operators of United States port terminals, including changes in the number and percentage of United States port terminal operators ultimately owned by United States persons;

(2) offer explanations for the decline in the number of United States persons that operate United States port terminals, including any competitive advantages enjoyed by non-United States persons in competing for and performing contracts to operate United States port terminals and any competitive disadvantages faced by United States persons in competing for and performing contracts to operate United States port terminals; and

(3) suggest changes in laws, regulations, or policies that could help improve the competitiveness of United States persons operating United States port terminals and encourage additional United States persons to engage in the business of operating United States port terminals.

(b) DEFINITION OF UNITED STATES PERSONS.—In this section, the term “United States persons” means—

(1) a United States citizen; and

(2) a partnership, corporation, or other legal entity that is organized under the laws of the United States and is owned or controlled by United States citizens.

SA 4970. Mr. DEMINT 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. ____ PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(xii) murder;

“(xiii) assault with intent to murder;

“(xiv) espionage;

“(xv) sedition;

“(xvi) kidnapping or hostage taking;

“(xvii) treason;

“(xviii) rape or aggravated sexual abuse;

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

“(xx) extortion;

“(xxi) armed or felony unarmed robbery;

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

“(xxiii) felony arson;

“(xxiv) a felony involving a threat;

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

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

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

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

SA 4971. Mr. MCCAIN (for himself, Mrs. BOXER, Mr. LAUTENBERG, Mrs. CLINTON, Mr. DEWINE, Mr. GRAHAM, Mr. WARNER, and Mr. ALLEN) 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 41, following the matter after line 25, insert the following:

SEC. 114. TRANSFER OF PUBLIC SAFETY GRANT PROGRAM TO THE DEPARTMENT OF HOMELAND SECURITY.

Section 3006 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109-171; 120 Stat. 24) is amended—

(1) in subsection (a)—

(A) by striking “The Assistant Secretary, in consultation with the” and inserting “The”; and

(B) in paragraph (1), by inserting “planning of,” before “acquisition of”; and

(2) in subsection (b), by striking “Assistant Secretary” each place that term appears and inserting “Secretary of Homeland Security”.

SEC. 115. INTEROPERABLE EMERGENCY COMMUNICATIONS.

Section 3006 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109-171; 120 Stat. 24) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

“(d) INTEROPERABLE COMMUNICATIONS SYSTEM EQUIPMENT DEPLOYMENT.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall allocate a portion of the funds made available to carry out this section to make interoperable communications system equipment, planning, or training grants—

“(A) to purchase equipment and infrastructure that complies with SAFECOM guidance,

including any standards that may be referenced by SAFECOM guidance; and

“(B) to establish a small number of pilot projects to demonstrate or test new and advanced technologies for interoperable communications systems or infrastructure that improves interoperability;

“(C) to assist States, municipalities, or public safety agencies in planning and training for the use of interoperable communications systems; and

“(D) to purchase equipment that can utilize, or enable interoperability with systems or networks that can utilize, the reallocated public safety spectrum in the 700MHz band.

“(2) ALLOCATION OF FUNDS.—

“(A) IN GENERAL.—Any funds or portion of funds allocated pursuant to paragraph (1) shall be distributed to a State, municipality, or public safety agency 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.

“(B) CONSIDERATIONS.—In making any distribution under subparagraph (A), the Secretary may consider the likelihood that a State, municipality, or public safety agency would have to respond to a hurricane, tsunami, volcanic eruption, earthquake, forest fire, mining accident, or other such natural disaster.

“(3) ELIGIBILITY.—A State, municipality, or public safety agency may not receive funds allocated to it under paragraph (2) unless it has established a statewide interoperable communications plan approved by the Secretary.

“(4) REQUIRED DISCLOSURES.—

“(A) IN GENERAL.—Each State, municipality, or public safety agency that receives assistance under this section shall report to the Secretary, not later than 12 months after the date of receipt of such assistance, a list of all expenditures made by such State, municipality, or public safety agency using such assistance.

“(B) DISCLOSURES TO CONTINUE UNTIL ALL FUNDS ARE USED.—Each State, municipality, or public safety agency shall continue to meet the requirements of subparagraph (A) until all assistance received by such State, municipality, or public safety agency under this section is expended.”

SA 4972. Mr. OBAMA (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; as follows:

On page 87, after line 18, add the following:
SEC. 407. EVACUATION IN EMERGENCIES.

(a) PURPOSE.—The purpose of this section is to ensure the preparation of communities for future natural, accidental, or deliberate disasters by ensuring that the States prepare for the evacuation of individuals with special needs.

(b) EVACUATION PLANS FOR INDIVIDUALS WITH SPECIAL NEEDS.—The Secretary, acting through the Office of State and Local Government Coordination and Preparedness, shall take appropriate actions to ensure that each State, as that term is defined in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)), requires appropriate State and local government officials to develop detailed and comprehensive pre-disaster and post-disaster plans for the evacuation of individuals with special needs, including the elderly, disabled individuals, low-income individuals and families, the homeless, and in-

dividuals who do not speak English, in emergencies that would warrant their evacuation, including plans for the provision of food, water, and shelter for evacuees.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report setting forth, for each State, the status and key elements of the plans to evacuate individuals with special needs in emergencies that would warrant their evacuation.

(2) CONTENTS.—The report submitted under paragraph (1) shall include a discussion of—

(A) whether the States have the resources necessary to implement fully their evacuation plans; and

(B) the manner in which the plans of the States are integrated with the response plans of the Federal Government for emergencies that would require the evacuation of individuals with special needs.

SA 4973. Mr. OBAMA 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. ____ . NUCLEAR RELEASE NOTICE REQUIREMENT.

Section 103 of the Atomic Energy Act of 1954 (42 U.S.C. 2133) is amended by inserting after subsection d. the following:

“e. NOTICE OF UNPLANNED RELEASE OF RADIOACTIVE SUBSTANCES.—

“(1) REGULATIONS.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Commission shall promulgate regulations that require civilian nuclear power facilities licensed under this section or section 104(b) to provide notice of any release to the environment of quantities of fission products or other radioactive substances.

“(B) CONSIDERATIONS.—In developing the regulations under subparagraph (A), the Commission shall consider requiring licensees of civilian nuclear power facilities to provide notice of the release—

“(i) not later than 24 hours after the release;

“(ii) to the Commission and the governments of the State and county in which the civilian nuclear power facility is located, if the unplanned release—

“(I)(aa) exceeds allowable limits for normal operation established by the Commission; and

“(bb) is not subject to more stringent reporting requirements established in existing regulations of the Commission; or

“(II)(aa) enters into the environment; and

“(bb) may cause drinking water sources to exceed a maximum contaminant level established by the Environmental Protection Agency for fission products or other radioactive substances under the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

“(iii) to the governments of the State and county in which the civilian nuclear power facility is located if the unplanned release reaches the environment by a path otherwise not allowed or recognized by the operating license of the civilian nuclear power facility and falls within the allowable limits specified in clause (ii), including—

“(I) considering any recommendations issued by the Liquid Radioactive Release Lessons-Learned Task Force;

“(II) the frequency and form of the notice; and

“(III) the threshold, volume, and radiation content that trigger the notice.

“(2) EFFECT.—Nothing in this subsection provides to any State or county that receives a notice under this subsection regulatory jurisdiction over a licensee of a civilian nuclear power facility.”

SA 4974. Mr. OBAMA 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, after line 18, add the following:
SEC. 407. CONTAMINANT PREVENTION, DETECTION, AND RESPONSE.

Section 1434 of the Safe Drinking Water Act (42 U.S.C. 300i-3) is amended by striking subsection (b) and inserting the following:

“(b) REPORT.—Not later than 180 days after the date of enactment of the Port Security Improvement Act of 2006, the Administrator shall submit to Congress a report that includes—

“(1) a description of the progress made as of that date in implementing this section;

“(2) a description of any impediments to that implementation identified by the Administrator, including—

“(A) difficulty in coordinating the implementation with other Federal, State, or local agencies or organizations;

“(B) insufficient funding for effective implementation;

“(C) a lack of authorization to take certain actions (including the authority to hire necessary personnel) required to carry out the implementation; and

“(D) technological impediments to developing the methods, means, and equipment specified in subsection (a)(1).

“(c) IMPLEMENTATION PLAN.—The Administrator shall develop, and carry out during the period of fiscal years 2007 through 2011, an implementation plan with respect to actions described in subsection (a) that—

“(1) is consistent with actions taken under that subsection as of the date on which the implementation plan is finalized; and

“(2) reflects the findings of the report submitted under subsection (b).

“(d) FUNDING.—There is authorized to be appropriated to carry out this section \$7,500,000 for each of fiscal years 2007 through 2011.”

SA 4975. Mr. BIDEN 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 V—HOMELAND SECURITY TRUST FUND

SEC. 501. SHORT TITLE.

This title may be cited as the “Homeland Security Trust Fund Act of 2006”.

SEC. 502. FINDINGS.

The Congress finds the following:

(1) In 2002, an independent, bipartisan commission, the National Commission on Terrorist Attacks Upon the United States (in this section referred to as the “Commission”), was established under title VI of Public Law 107-306 to prepare a full and complete account of the circumstances surrounding the September 11, 2001, terrorist attacks, including preparedness for and the immediate response to the attacks.

(2) The Commission was also tasked with providing recommendations designed to guard against future attacks against the United States.

(3) The Commission held 12 public hearings to offer a public dialogue about the Commission's goals and priorities, sought to learn about work already completed, and the state of current knowledge, all in order to identify the most important issues and questions requiring further investigation.

(4) This Commission was widely praised for its thorough investigation and the bi-partisan nature of its proceedings.

(5) On July 22, 2004, the Commission released its final report that set out the events leading to the attacks on September 11th, a chilling minute-by-minute account of that tragic day, and, more importantly, issued 41 recommendations to better prepare the United States to protect against future terrorist attacks.

(6) While the Commission was officially dissolved, the Commissioners stayed together to create the 9/11 Public Discourse Project in order to push for the implementation of those recommendations.

(7) On December 5, 2005, the Commissioners released a report card evaluating the progress in implementing those recommendations.

(8) The Commissioners issued very few A's and B's and issued 12 D's and 5 failing grades.

(9) The failures identified by the Commissioners' report card were across the board, ranging from transportation security, to infrastructure protection and government reform.

(10) Specifically, the Commissioners stated that "few improvements have been made to the existing passenger screening system since right after 9/11. The completion of the testing phase of TSA's pre-screening program for airline passengers has been delayed. A new system, utilizing all names on the consolidated terrorist watch list, is therefore not yet in operation."

(11) The Commissioners also found that "... No risk and vulnerability assessments actually made; no national priorities established; no recommendations made on allocation of scarce resources ... It is time that we stop talking about setting priorities and actually set some."

(12) The Commission issued a grade of D on checked bag and cargo screening measures, stating that "improvements have not been made by the Congress or the administration. Progress on implementation of in-line screening has been slow. The main impediment is inadequate funding."

(13) With regard to information sharing and technology, the Commission noted that "there has been no systematic diplomatic efforts to share terrorist watch lists, nor has Congress taken a leadership role in passport security ..." and that "there remain many complaints about lack of information sharing between federal authorities and state and local level officials."

(14) The Administration has failed to focus on prevention here at home by abandoning our first line of defense against terrorism—local law enforcement.

(15) In the President's FY 2006 budget request, the President requested a cut of over \$2,000,000,000 in guaranteed assistance to law enforcement.

(16) According to the International Association of Chiefs of Police, this decision represents a fundamentally flawed view of what is needed to prevent domestic terror attacks.

(17) The Council on Foreign Relations released a report entitled, "Emergency First Responders: Drastically Underfunded, Dangerously Unprepared", in which the Council 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."

(18) The Council 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.

(19) Current first responder funding must be increased to help local agencies create counter-terrorism units and assist such agencies to integrate community policing models with counter-terror efforts.

(20) First responders still do not have adequate spectrum to communicate during an emergency. Congress finally passed legislation forcing the networks to turn over spectrum, but the date was set for February 2008. This is unacceptable, this spectrum should be turned over immediately.

(21) 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.

(22) To echo the sentiments of the National Commission on Terrorist Attacks upon the United States, "it is time that we stop talking about setting priorities and actually set some."

(23) The cost of fully implementing all 41 recommendations put forth by the Commission and the common sense steps to secure the homeland represents less than 1 year of President Bush's tax cuts for millionaires.

(24) By investing 1 year of the tax cuts for millionaires into a trust fund to be invested over the next 5 years, the Federal Government can implement the Commission's recommendations and make great strides towards making our Nation safer.

(25) The Americans making more than \$1,000,000 understand that our country changed after 9/11, yet they have not been asked to sacrifice for the good of the Nation.

(26) In this Act, we call on the patriotism of such Americans by revoking 1 year of their tax cut and investing the resulting revenues in the security of our neighbors and families.

SEC. 503. DEFINITIONS.

In this Act—

(1) **TRUST FUND.**—The term "Trust Fund" means the Homeland Security and Neighborhood Safety Trust Fund established under section 504.

(2) **COMMISSION.**—The term "Commission" means the National Commission on Terrorist Attacks upon the United States, established under title VI of the Intelligence Authorization Act for Fiscal Year 2003 (Pub. Law 107-306; 6 U.S.C. 101 note).

SEC. 504. HOMELAND SECURITY AND NEIGHBORHOOD SAFETY TRUST FUND.

(a) **CREATION OF TRUST FUND.**—There is established in the Treasury of the United States a trust fund to be known as the "Homeland Security and Neighborhood Safety Trust Fund", consisting of such amounts as may be appropriated or credited to the Trust Fund.

(b) **RULES REGARDING TRANSFERS TO AND MANAGEMENT OF TRUST FUND.**—For purposes of this section, rules similar to the rules of sections 9601 and 9602 of the Internal Revenue Code of 1986 shall apply.

(c) **DISTRIBUTION OF AMOUNTS IN TRUST FUND.**—Amounts in the Trust Fund shall be

available, as provided by appropriation Acts, for making expenditures for fiscal years 2007 through 2011 to meet those obligations of the United States incurred which are authorized under section 5 of this Act for such fiscal years.

(d) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Committee on Finance of the Senate should report to the Senate not later than 30 days after the date of the enactment of this Act legislation which—

(1) increases revenues to the Treasury in the amount of \$53,300,000,000 during taxable years 2007 through 2011 by reducing scheduled and existing income tax reductions enacted since taxable year 2001 with respect to the taxable incomes of taxpayers in excess of \$1,000,000, and

(2) appropriates an amount equal to such revenues to the Homeland Security and Neighborhood Safety Trust Fund.

SEC. 505. PREVENTING TERROR ATTACKS ON THE HOMELAND.

(a) **SUPPORTING LAW ENFORCEMENT.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated from the Trust Fund—

(A) \$1,150,000,000 for fiscal years 2007 through 2011 for the Office of Community Oriented Policing Services for grants to State, local, and tribal law enforcement to hire officers, purchase technology, conduct training, and to develop local counter-terrorism units;

(B) \$900,000,000 for each of the fiscal years 2007 through 2011 for the Justice Assistance Grant;

(C) \$160,000,000 for each of fiscal years 2007 through 2011 for the Federal Bureau of Investigations to hire 1,000 additional field agents in addition to the number of field agents serving on the date of enactment of this Act;

(D) \$25,000,000 for the Department of Homeland Security for each of fiscal years 2007 through 2011 to fund additional customs agents; and

(E) \$200,000,000 for each of fiscal years 2007 to 2011 for the Amtrak Police Department to hire, equip, and train 1,000 additional rail police; and

(F) such sums as necessary to provide an increase in the rate of basic pay for law enforcement officers employed by Amtrak of 25 percent of the rate of basic pay in effect on the date of enactment of this Act.

(2) **REPORT ON THE CREATION OF A FEDERAL BUREAU OF INVESTIGATION NATIONAL SECURITY WORKFORCE.**—

(A) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the relevant congressional committees a report on the creation of a national security workforce, as recommended by the Commission.

(B) **CONTENTS.**—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Director expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(b) **EFFECTIVELY UTILIZING NEW TECHNOLOGIES.**—

(1) **STREAMLINING INFORMATION AND PROCESSES.**—

(A) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated from the Trust Fund—

(i) \$50,000,000 for fiscal year 2007 for Information Technology Services at the Department of Homeland Security for the purpose of consolidating terrorist watch lists;

(ii) \$50,000,000 for fiscal year 2007 to improve the capability of pre-screening airline passengers against terrorist watch lists;

(iii) \$100,000,000 for each of fiscal years 2007 through 2011 for the Department of Homeland Security, Office of the Chief Information Officer, for the purpose of improving government wide information sharing, including processes and procedures to improve information sharing with State and local law enforcement and first responders;

(iv) \$120,000,000 for each of fiscal years 2007 to 2011 to enhance the Department of Homeland Security to enhance U.S. Visit, Biometric Entry-Exit System (9/11); and

(v) \$150,000,000 for each of fiscal years 2007 to 2011 to assist States in complying with the Real I.D. Act (Public Law 103-19).

(B) REPORTS.—

(i) REPORT ON GOVERNMENT-WIDE INFORMATION SHARING.—

(I) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the relevant congressional committees a report on the progress toward government-wide information sharing, as recommended by the Commission.

(II) CONTENTS.—The report under this clause shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(aa) what steps have been taken to achieve the recommendation;

(bb) when the Director expects the recommendation to be fully implemented; and

(cc) any allocation of resources necessary to fully implement the recommendation.

(ii) REPORT ON INCENTIVES FOR INFORMATION SHARING.—

(I) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the relevant congressional committees a report on the establishment of incentives for information sharing across the Federal government and with State and local authorities, as recommended by the Commission.

(II) CONTENTS.—The report under this clause shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(aa) what steps have been taken to achieve the recommendation;

(bb) when the Director expects the recommendation to be fully implemented; and

(cc) any allocation of resources necessary to fully implement the recommendation.

(iii) REPORT ON BIOMETRIC ENTRY-EXIT SCREENING SYSTEM.—

(I) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the relevant congressional committees a report the creation of a biometric entry-exit screening system, as recommended by the Commission.

(II) CONTENTS.—The report under this clause shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(aa) what steps have been taken to achieve the recommendation;

(bb) when the Secretary of Homeland Security expects the recommendation to be fully implemented; and

(cc) any allocation of resources necessary to fully implement the recommendation.

(2) UTILIZING SCREENING TECHNOLOGIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Trust Fund—

(i) \$1,000,000,000 for each of 2007 through 2011 for Department of Homeland Security to implement 100 percent screening of ship cargo containers with suitable technologies that screen for nuclear, radiological, and other dangerous materials;

(ii) \$100,000,000 for each of fiscal years 2007 through 2011 for the Department of Homeland Security to improve screening for airline passengers, checked baggage, and cargo on commercial airliners;

(iii) \$100,000,000 for each of fiscal years 2007 through 2011 for the Office of Science and Technology at the Department of Homeland Security to research and develop advanced screening technologies.

(B) REPORTS.—

(i) REPORT ON CONTAINER CARGO SCREENING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the relevant congressional committees a report on improvements made towards implementing 100 percent screening of cargo containers, including an analysis of charging a per container surcharge towards recouping security investment made by the Department of Homeland Security in implementing 100 percent cargo container screening and on-going security costs.

(ii) REPORT ON CHECKED BAG AND CARGO SCREENING.—

(I) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the relevant congressional committees a report on improvements made to checked bag and cargo screening, as recommended by the Commission.

(II) CONTENTS.—The report under this clause shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(aa) what steps have been taken to achieve the recommendation;

(bb) when the Secretary of Transportation expects the recommendation to be fully implemented; and

(cc) any allocation of resources necessary to fully implement the recommendation.

(iii) REPORT ON AIRLINE SCREENING CHECKPOINTS TO DETECT EXPLOSIVES.—

(I) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the relevant congressional committees a report on improvements to airline screening checkpoints to detect explosives, as recommended by the Commission.

(II) CONTENTS.—The report under this clause shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(aa) what steps have been taken to achieve the recommendation;

(bb) when the Secretary of Transportation expects the recommendation to be fully implemented; and

(cc) any allocation of resources necessary to fully implement the recommendation.

(c) PROTECTING CRITICAL INFRASTRUCTURE AND ELIMINATING THREATS.—

(1) HARDENING SOFT TARGETS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Trust Fund—

(i) \$1,000,000,000 for each of fiscal years 2007 through 2011 for the Office of Domestic Preparedness for the State Homeland Security Grant Program, the Urban Area Security Initiative and the Law Enforcement Terrorism Prevention Program;

(ii) \$80,000,000 for fiscal year 2007 to the Office of Domestic Preparedness for Critical Infrastructure Risk Assessment Planning (9/11);

(iii) \$500,000,000 for each of fiscal year 2007 through 2011 to the Office of Domestic Preparedness to make grants to State and local governments and tribes to protect critical infrastructure, including chemical facilities, nuclear power plants, electrical grids, and other critical infrastructure;

(iv) \$500,000,000 for each of fiscal years 2007 through 2011 for port security grants to assist ports with meeting the requirements in Maritime Transportation Security Act of 2002 (Public Law 107-295; 116 Stat. 2064.); and

(v) \$200,000,000 for each of fiscal year 2007 through 2011 to the Office of Domestic Preparedness to make grants for passenger rail, freight rail, and transit systems.

(B) REPORT ON CRITICAL INFRASTRUCTURE RISKS AND VULNERABILITIES ASSESSMENT.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the relevant congressional committees a report assessing critical infrastructure risks and vulnerabilities, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the Secretary of Homeland Security expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(2) REDUCING THE RISK OF ATTACK ON DANGEROUS CHEMICALS.—There are authorized to be appropriated from the Trust Fund—

(A) \$100,000,000 for each of fiscal years 2007 through 2001 to the Department of Homeland Security to assist companies that manufacture, produce, or utilize dangerous chemicals to transition to safer technologies; and

(B) \$25,000,000 for each of fiscal years 2007 through 2011 to the Department of Homeland Security to—

(i) develop a national strategy to reduce the threat of rail shipments of extremely hazardous materials through the high threat cities in the Nation; and

(ii) provide grants to State and local law enforcement, first responders, and rail owners to purchase safety equipment and conduct coordinated training exercises for first responders and rail workers who may be called to respond to intentional or accidental releases of hazardous chemicals.

(3) RESPONDING TO TERRORIST ATTACKS AND NATURAL DISASTERS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Trust Fund—

(i) \$1,000,000,000 for each of fiscal years 2007 through 2011 to the Office of Community Oriented Policing Services to provide grants to enhance State and local government interoperable communications efforts, including interagency planning and purchasing equipment;

(ii) \$500,000,000 for each of fiscal years 2007 through 2011 for the Office of Domestic Preparedness for Fire Act Grants;

(iii) \$500,000,000 for each of fiscal years 2007 through 2011 for the Office of Domestic Preparedness for SAFER Grants;

(iv) \$1,000,000,000 per year for each of fiscal years 2007 through 2011 for the Office of Domestic Preparedness to make grants to State and local governments to improve the public health capabilities of States and cities to prevent and respond to biological, chemical, or radiological attacks and pandemics;

(v) \$100,000,000 per year for each of fiscal years 2007 through 2011 for the Armed Forces Radiological Research Institute to research,

develop, and deploy medical countermeasures to address radiation sickness associated with nuclear or radiological attacks in the United States; and

(vi) \$100,000,000 per year for each of fiscal years 2007 through 2011 for the Office of Domestic Preparedness for the purpose of improving State and local government interagency response coordination to enable local agencies to utilize equipment, resources, and personnel of neighboring agencies in the event of a terrorist attack or natural catastrophe.

(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:

“(E) Notwithstanding subparagraph (B), the Commission shall not grant any extension under that subparagraph from the limitation of subparagraph (A) with respect to the frequencies assigned, under 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 not later than January 1, 2007.”

(d) PREVENTING THE GROWTH OF RADICAL ISLAMIC FUNDAMENTALISM.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Trust Fund—

(A) \$100,000,000 for each of fiscal years 2007 through 2011 to the President for the Economic Support Fund to provide technical assistance under 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;

(B) \$200,000,000 for each of fiscal years 2007 through 2011 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);

(C) \$50,000,000 for each of fiscal years 2007 through 2011 to the President 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;

(D) \$100,000,000 for each of fiscal years 2007 through 2011 to the President for the Economic Support Fund for activities carried out under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) 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;

(E) \$15,000,000 for each of the fiscal years 2007 through 2011 to the Middle East Partnership Initiative of the Department of State to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of civil society, opportunities for political participation for all citizens, protections for internationally recognized human rights, including the rights of women, educational system reforms, independent media, policies that promote economic opportunities for citizens, the rule of law, and democratic processes of government;

(F) \$100,000,000 for each of the fiscal years 2007 through 2011 to the President to carry out United States Government broadcasting activities under the United States Informa-

tion 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.), and 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) for international broadcasting operations;

(G) \$200,000,000 for each of the fiscal years 2007 through 2011 to 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;

(H) \$600,000,000 for each of the fiscal years 2007 through 2011 to the President for providing assistance for Afghanistan in a manner consistent with the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.);

(I) \$150,000,000 for each of the fiscal years 2007 through 2011 to the President for provide assistance to Pakistan for the Economic Support Fund to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); and

(J) \$80,000,000 for each of the fiscal years 2007 through 2011 to the Department of Energy to support the nonproliferation activities of the National Nuclear Security Administration.

(2) REPORTS.—

(A) REPORT ON THE UNITED STATES GOVERNMENT’S EFFORTS TO SECURE WEAPONS OF MASS DESTRUCTION.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the relevant congressional committees a report on the current efforts to secure weapons of mass destruction, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the President expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(B) REPORT ON LONG-TERM COMMITMENT TO AFGHANISTAN.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the relevant congressional committees a report on ensuring a long-term commitment to Afghanistan, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the President expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(C) REPORT ON UNITED STATES SUPPORT TO PAKISTAN’S EFFORTS AGAINST EXTREMISTS.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the relevant congressional committees a report the United States’s support of Pakistan’s ef-

forts against extremists, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the Secretary of State expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(D) REPORT ON IMPROVEMENT OF RELATIONS BETWEEN THE UNITED STATES AND SAUDI ARABIA.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the relevant congressional committees a report on current efforts to improve strategic relations between the United States and Saudi Arabia, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the Secretary of State expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(E) REPORT ON IDENTIFYING AND PRIORITIZING TERRORIST SANCTUARIES.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the National Counterterrorism Center shall submit to the relevant congressional committees a report identifying and prioritizing terrorist sanctuaries, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the Director expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(F) REPORT ON COMPREHENSIVE COALITION STRATEGY AGAINST ISLAMIST TERRORISM.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the relevant congressional committees a report on progress toward engaging other countries in developing a comprehensive strategy for combating Islamist terrorism, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the Secretary of State expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(G) REPORT ON INTERNATIONAL BROADCASTING.—

(i) IN GENERAL.—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 analyzing the success of Radio Sawa and Radio Al-Hurra, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the Board expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(H) REPORT ON SCHOLARSHIP, EXCHANGE AND LIBRARY PROGRAMS.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the relevant congressional committees a report on the expansion United States scholarship, exchange, and library programs in the Islamic world, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the Secretary of State expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(I) REPORT ON TERRORIST TRAVEL STRATEGY.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the National Counterterrorism Center shall submit to the relevant congressional committees a report on improving the collection and analysis of intelligence on terrorist travel, as recommended by the Commission.

(ii) CONTENTS.—The report under this subparagraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(I) what steps have been taken to achieve the recommendation;

(II) when the Director expects the recommendation to be fully implemented; and

(III) any allocation of resources necessary to fully implement the recommendation.

(e) GOVERNMENT REFORM: IMPLEMENTING EACH RECOMMENDATION OF THE 9/11 COMMISSION.—

(1) REPORT ON ESTABLISHING A UNIFIED INCIDENT COMMAND SYSTEM.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the establishment of a unified Incident Command System, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of Homeland Security expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(2) REPORT ON COMPREHENSIVE SCREENING SYSTEM.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the relevant congressional committees a report on the implementation of a comprehensive screening program, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of Transportation expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(3) REPORT ON THE DIRECTOR OF NATIONAL INTELLIGENCE.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the relevant congressional committees a report on the Director of National Intelligence, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Director expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(4) REPORT ON THE NATIONAL COUNTERTERRORISM CENTER.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the relevant congressional committees a report on the establishment of the National Counterterrorism Center, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Director expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(5) REPORT ON THE NEW MISSION OF THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the relevant congressional committees a report on the new mission of the Director of the Central Intelligence Agency, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Director expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(6) REPORT ON HOMELAND AIRSPACE DEFENSE.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on homeland airspace defense, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of Homeland Security expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(7) REPORT ON BALANCE BETWEEN SECURITY AND CIVIL LIBERTIES.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the relevant congressional committees a report on the balance between security and civil liberties, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Attorney General expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(8) REPORT ON PRIVACY GUIDELINES FOR GOVERNMENT SHARING OF PERSONAL INFORMATION.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the relevant congressional committees a report outlining the privacy guidelines for government sharing of personal information, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Attorney General expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(9) REPORT ON THE STANDARDIZATION OF SECURITY CLEARANCES.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the relevant congressional committees a report on the standardization of security clearances, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Director expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(10) REPORT ON COALITION STANDARDS FOR TERRORISM DETENTION.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General, shall submit to the relevant congressional committees a report on current efforts to develop a common coalition approach toward the detention and humane treatment of captured terrorists, as recommended by the Commission.

(B) CONTENTS.—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of State expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(11) REPORT ON USE OF ECONOMIC POLICIES TO COMBAT TERRORISM.—

(A) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the United States Trade Representative, shall submit to the relevant congressional committees a report on the development of economic policies to combat terrorism, as recommended by the Commission.

(B) **CONTENTS.**—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of State expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(12) REPORT ON EFFORTS AGAINST TERRORIST FINANCING.—

(A) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, shall submit to the relevant congressional committees a report on efforts taken against terrorist financing, as recommended by the Commission.

(B) **CONTENTS.**—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of the Treasury expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(13) REPORT ON INTERNATIONAL COLLABORATION ON BORDERS AND DOCUMENT SECURITY.—

(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 State, shall submit to the relevant congressional committees a report international collaboration on borders and document security, as recommended by the Commission.

(B) **CONTENTS.**—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of Homeland Security expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(14) REPORT ON THE STANDARDIZATION OF SECURE IDENTIFICATION.—

(A) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, 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 standardization of secure identification, as recommended by the Commission.

(B) **CONTENTS.**—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of Homeland Security or the Secretary of Health and Human Services expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(15) REPORT ON PRIVATE SECTOR PREPAREDNESS.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the relevant congressional committees a report outlining the steps that have been taken to enhance private sector preparedness for terrorist attacks, as recommended by the Commission.

(16) REPORT ON NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—

(A) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the relevant congressional committees a report on the establishment of a national strategy for transportation security, as recommended by the Commission.

(B) **CONTENTS.**—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of Transportation expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

(17) REPORT ON AIRLINE PASSENGER PRE-SCREENING.—

(A) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the relevant congressional committees a report on improvements made to airline passenger pre-screening, as recommended by the Commission.

(B) **CONTENTS.**—The report under this paragraph shall include either a certification that such recommendation has been implemented, or, in the alternative, a description of—

(i) what steps have been taken to achieve the recommendation;

(ii) when the Secretary of Transportation expects the recommendation to be fully implemented; and

(iii) any allocation of resources necessary to fully implement the recommendation.

SA 4976. Mrs. BOXER 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:

At the appropriate place, insert the following:

SEC. ____ . MAN-PORTABLE AIR DEFENSE SYSTEMS.

(a) **IN GENERAL.**—It is the sense of Congress that the budget of the United States Government submitted by the President for fiscal year 2008 under section 1105(a) of title 31, United States Code, should include an acquisition fund for the procurement and installation of countermeasure technology, proven through the successful completion of operational test and evaluation, to protect commercial aircraft from the threat of Man-Portable Air Defense systems (MANPADS).

(b) **DEFINITION OF MANPADS.**—In this section, the term “MANPADS” means—

(1) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; and

(2) any other surface-to-air missile system designed to be operated and fired by more

than one individual acting as a crew and portable by several individuals.

SA 4977. Mr. LEVIN 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. 501. APPLICATION TO LAND PORTS.

The provisions of sections 203, 204, and 303 shall also apply with respect to land ports of entry.

SA 4978. Mrs. BOXER 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. ____ . BLAST-RESISTANT CONTAINERS.

Section 41704 of title 49, United States Code, is amended by adding at the end the following: “Each aircraft used to provide air transportation for individuals and their baggage or other cargo shall be equipped with not less than 1 hardened, blast-resistant cargo container.”.

SA 4979. Mr. FEINGOLD 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. ____ . STUDY OF UNSAFE PESTICIDE CHEMICAL RESIDUES IN GINSENG AND PRODUCTS CONTAINING GINSENG.

(a) **IN GENERAL.**—The Food and Drug Administration, in cooperation with the United States Customs and Border Protection, shall—

(1) conduct a study on the levels of pesticide chemical residue, as such term is defined in section 201(q)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(q)(2)), in ginseng and products containing ginseng; and

(2) submit to Congress a report that describes the findings of such study.

(b) **CONTENT AND DESIGN.**—The study conducted under subsection (a) shall—

(1) compare the pesticide chemical residue in ginseng that is known to be foreign-grown with such residue in ginseng that is known to be domestically-grown;

(2) sample and test retail and wholesale samples, both in warehouses and at the ports of entry into the United States, of raw ginseng and products containing ginseng for pesticide chemical residue and, if possible, determine the prevalence of ginseng and products containing ginseng that are mislabeled as grown in the United States or in Wisconsin;

(3) be designed to ensure that the samples of ginseng and products containing ginseng that are collected from retail and wholesale establishments may also be used as part of potential enforcement actions if the Food and Drug Administration, in cooperation with the United States Customs and Border Protection, finds that the level of pesticide chemical residue in such ginseng or products is unsafe; and

(4) assess and identify whether ginseng and products containing ginseng are imported into the United States by being classified under an improper heading under the Harmonized Tariff Schedule of the United States.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 4980. 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, may 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 enhance interoperable communications within the State or region and to assist with any aspect of the interoperable communications life cycle, including—

(1) statewide or regional communications planning, as it relates to the implementation of the National Incident Management System;

(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 or metropolitan division, as those terms are 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 4981. Mr. CONRAD 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. ____ . NATIONAL EMERGENCY TELEMEDICAL COMMUNICATIONS.

(a) TELEHEALTH TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall establish a task force to be known as the “National Emergency Telehealth Network Task Force” (referred to in this subsection as the “Task Force”) to advise the Secretary of Commerce on the use of telehealth technologies to prepare for, monitor, respond to, and manage the events of a biological, chemical, or nuclear terrorist attack or other public health emergencies.

(2) FUNCTIONS.—The Task Force shall—

(A) conduct an inventory of existing telehealth initiatives, including—

(i) the specific location of network components;

(ii) the medical, technological, and communications capabilities of such components; and

(iii) the functionality of such components;

(B) make recommendations for use by the Secretary of Commerce in establishing standards for regional interoperating and overlapping information and operational capability response grids in order to achieve coordinated capabilities based on responses among Federal, State, and local responders;

(C) recommend any changes necessary to integrate technology and clinical practices;

(D) recommend to the Secretary of Commerce acceptable standard clinical information that could be uniformly applied and available throughout a national telemedical network and tested in the regional networks;

(E) research, develop, test, and evaluate administrative, physical, and technical guidelines for protecting the confidentiality, integrity, and availability of regional networks and all associated information and advise the Secretary of Commerce on issues of patient data security, and compliance with all applicable regulations;

(F) in consultation and coordination with the regional telehealth networks established under subsection (b), test such networks for their ability to provide support for the existing and planned efforts of State and local law enforcement, fire departments, health care facilities, Indian Health Service clinics, and Federal and State public health agencies to prepare for, monitor, respond rapidly to, or manage the events of a biological, chemical, or nuclear terrorist attack or other public health emergencies with respect to each of the functions listed in subparagraphs (A) through (H) of subsection (b)(3); and

(G) facilitate the development of training programs for responders and a mechanism for training via enhanced advanced distributive learning.

(3) MEMBERSHIP.—The Task Force shall include representation from—

(A) relevant Federal agencies;

(B) relevant tribal, State, and local government agencies including public health officials;

(C) professional associations specializing in health care; and

(D) other relevant private sector organizations, including public health and national telehealth organizations and representatives of academic and corporate information management and information technology organizations.

(4) MEETINGS AND REPORTS.—

(A) MEETINGS.—The Task Force shall meet as the Secretary of Commerce may direct.

(B) REPORT.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act the Task Force shall prepare and submit a report to Congress regarding the activities of the Task Force.

(ii) CONTENTS.—The report described in clause (i) shall recommend, based on the information obtained from the regional telehealth networks established under subsection (b), whether and how to build on existing telehealth networks to develop a National Emergency Telehealth Network.

(5) IMPLEMENTATION.—The Task Force may carry out activities under this subsection in cooperation with other entities, including national telehealth organizations.

(6) TERMINATION.—The Task Force shall terminate upon submission of the final report required under paragraph (4)(B).

(b) ESTABLISHMENT OF STATE AND REGIONAL TELEHEALTH NETWORKS.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, is authorized to award grants to 3 regional consortia of States to carry out pilot programs for the development of statewide and regional telehealth network testbeds that build on, enhance, and securely link existing State and local telehealth programs.

(B) DURATION.—The Secretary of Commerce may award grants under this subsection for a period not to exceed 3 years. Such grants may be renewed.

(C) STATE CONSORTIUM PLANS.—Each regional consortium of States desiring to receive a grant under subparagraph (A) shall submit to the Secretary of Commerce a plan that describes how such consortium shall—

(i) interconnect existing telehealth systems in a functional and seamless fashion to enhance the ability of the States in the region to prepare for, monitor, respond to, and manage the events of a biological, chemical, or nuclear terrorist attack or other public health emergencies or natural disasters; and

(ii) link to other participating States in the region via a standard interoperable connection using standard information.

(D) PRIORITY.—In making grants under this subsection, the Secretary of Commerce shall give priority to regional consortia of States that demonstrate—

(i) the interest and participation of a broad cross section of relevant entities, including public health offices, emergency preparedness offices, and health care providers;

(ii) the ability to connect major population centers as well as isolated border, rural, and frontier communities within the region to provide medical, public health, and emergency services in response to a biological, chemical, or nuclear terrorist attack or other public health emergencies;

(iii) an existing telehealth and telecommunications infrastructure that connects relevant State agencies, health care providers, universities, relevant tribal agencies, and relevant Federal agencies; and

(iv) the ability to quickly complete development of a region-wide interoperable emergency telemedical network to expand communications and service capabilities and facilitate coordination among multiple medical, public health, and emergency response agencies, and the ability to test recommendations of the task force established under subsection (a) within 3 years.

(2) REGIONAL NETWORKS.—A consortium of States awarded a grant under paragraph (1) shall develop a regional telehealth network to support emergency response activities and

provide medical services by linking established telehealth initiatives within the region to and with the following:

(A) First responders, such as police, firefighters, and emergency medical service providers.

(B) Front line health care providers, including hospitals, emergency medical centers, medical centers of the Department of Defense and the Department of Veterans Affairs, and public, private, community, rural, and Indian Health Service clinics.

(C) State and local public health departments, offices of rural health, and relevant Federal agencies.

(D) Experts on public health, bioterrorism, nuclear safety, chemical weapons and other relevant disciplines.

(E) Other relevant entities as determined appropriate by such consortium.

(3) FUNCTIONS OF THE NETWORKS.—Once established, a regional telehealth network under this subsection shall test the feasibility of recommendations (including recommendations relating to standard clinical information, operational capability, and associated technology and information standards) described in subparagraphs (B) through (E) of subsection (a)(2), and provide reports to the task force established under subsection (a), on such network's ability, in preparation of and in response to a biological, chemical, or nuclear terrorist attack or other public health emergencies, to support each of the following functions:

(A) Rapid emergency response and coordination.

(B) Real-time data collection for information dissemination.

(C) Environmental monitoring.

(D) Early identification and monitoring of biological, chemical, or nuclear exposures.

(E) Situationally relevant expert consultative services for patient care and front-line responders.

(F) Training of responders.

(G) Development of an advanced distributive learning network.

(H) Distance learning for the purposes of medical and clinical education, and simulation scenarios for ongoing training.

(4) REQUIREMENTS.—In awarding a grant under paragraph (1), the Secretary of Commerce may—

(A) require that each regional network adopt common administrative, physical, and technical approaches for seamless interoperability and to protect the network's confidentiality, integrity, and availability, taking into consideration guidelines developed by the task force established under subsection (a); and

(B) require that each regional network inventory and report to the task force established under subsection (a), the technology and technical infrastructure available to such network.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007, 2008, and 2009. Amounts made available under this paragraph shall remain available until expended.

(2) LIMIT ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available for each fiscal year under paragraph (1) shall be used for Task Force administrative costs.

SA 4982. Mr. COLEMAN (for himself, Ms. COLLINS, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered de-

fenses, and for other purposes; as follows:

On page 66, before line 9, insert the following:

SEC. 233. SCREENING AND SCANNING OF CARGO CONTAINERS.

(a) 100 PERCENT SCREENING OF CARGO CONTAINERS AND 100 PERCENT SCANNING OF HIGH-RISK CONTAINERS.—

(1) SCREENING OF CARGO CONTAINERS.—The Secretary shall ensure that 100 percent of the cargo containers entering the United States through a seaport undergo a screening to identify high-risk containers.

(2) SCANNING OF HIGH-RISK CONTAINERS.—The Secretary shall ensure that 100 percent of the containers that have been identified as high-risk are scanned before such containers leave a United States seaport facility.

(b) FULL-SCALE IMPLEMENTATION.—The Secretary, in coordination with the Secretary of Energy and foreign partners, shall fully deploy integrated scanning systems to scan all containers entering the United States before such containers arrive in the United States as soon as the Secretary determines that the integrated scanning system—

(1) meets the requirements set forth in section 231(c);

(2) has a sufficiently low false alarm rate for use in the supply chain;

(3) is capable of being deployed and operated at ports overseas;

(4) is capable of integrating, as necessary, with existing systems;

(5) does not significantly impact trade capacity and flow of cargo at foreign or United States ports; and

(6) provides an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

(c) REPORT.—Not later than 6 months after the submission of a report under section 231(d), and every 6 months thereafter, the Secretary shall submit a report to the appropriate congressional committees describing the status of full-scale deployment under subsection (b) and the cost of deploying the system at each foreign port.

SA 4983. 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 20, between lines 8 and 9, insert the following:

(d) CONTAINER SCANNING TECHNOLOGY GRANT PROGRAM.—

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

(2) CONTAINER SECURITY RESEARCH TRUST FUND.—

(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).

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

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated a total of \$500,000,000 for fiscal years 2007 through 2009 for the purpose of researching and developing nuclear and radiological detection equipment described in section 70107(m)(1)(C) of title 46, United States Code, as amended by this section.

SA 4984. Mr. LEVIN 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, insert the following:

TITLE V—MISCELLANEOUS PROVISIONS
SEC. 501. APPLICATION TO LAND PORTS.

The provisions of sections 201, 211, 301, 303, and 431 also apply with respect to land ports of entry.

SA 4985. 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; as follows:

At the appropriate place, insert the following:

SEC. . AIR AND MARINE OPERATIONS OF THE NORTHERN BORDER AIR WING.

In addition to any other amounts authorized to be appropriated for Air and Marine Operations of United States Customs and Border Protection, there are authorized to be appropriated for fiscal year 2007 for operating expenses of the Northern Border Air Wing—

(1) \$40,000,000 for the branch in Great Falls, Montana;

(2) \$40,000,000 for the branch in Bellingham, Washington;

(3) \$40,000,000 for the branch in Plattsburgh, New York;

(4) \$40,000,000 for the branch in Grand Forks, North Dakota; and

(5) \$40,000,000 for the branch in Detroit, Michigan.

SA 4986. 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 end of the bill, insert the following:

TITLE V—METHAMPHETAMINE
SEC. 501. METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.

(a) COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.—For each of the fiscal years of 2007 through 2011, as part of the annual performance plan required in the budget submission of the Bureau of Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor

chemicals in order to evaluate the performance goals of the Bureau with respect to the interdiction of illegal drugs entering the United States.

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

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

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

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

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

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Commissioner shall submit a report to the Committee on Finance and the Committee on Foreign Relations of the Senate, and the Committee on Ways and Means and the Committee on International Relations of the House of Representatives, that includes—

(A) the analysis described in paragraph (1); and

(B) the Bureau's utilization of the analysis to target shipments presenting a high risk for smuggling or circumvention of the Combat Methamphetamine Epidemic Act of 2005 (Public Law 109-177).

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

SA 4987. Mr. LAUTENBERG (for himself, Mr. OBAMA, Mr. KERRY, Mr. BIDEN, Mr. MENENDEZ, Mr. DURBIN, Mrs. BOXER, and Mr. JEFFORDS) 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—REGULATION OF CHEMICAL FACILITIES

SEC. 501. SHORT TITLE.

This title may be cited as the "Chemical Facility Anti-Terrorism Act of 2006".

SEC. 502. REGULATION OF CHEMICAL FACILITIES.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XVIII—REGULATION OF CHEMICAL FACILITIES

"SEC. 1801. DEFINITIONS.

"In this title, the following definitions apply:

"(1) CHEMICAL FACILITY SECURITY MEASURE.—The term 'chemical facility security measure' means any action taken to ensure or enhance the security of a chemical facility against a chemical facility terrorist incident, including—

"(A) employee background checks;

"(B) employee training;

"(C) personnel security measures;

"(D) the limitation and prevention of access to controls of the chemical facility;

"(E) protection of the perimeter of the chemical facility or the portion or sector within the facility in which a substance of concern is stored, used or handled, utilizing fences, barriers, guards, or other means;

"(F) installation and operation of cameras or other intrusion detection sensors;

"(G) the implementation of measures to increase computer or computer network security;

"(H) contingency and evacuation plans;

"(I) the relocation or hardening of storage or containment equipment; and

"(J) other security measures to prevent, protect against, or reduce the consequences of a chemical facility terrorist incident.

"(2) CHEMICAL FACILITY TERRORIST INCIDENT.—The term 'chemical facility terrorist incident' means—

"(A) an act of terrorism committed against a chemical facility;

"(B) the release of a substance of concern from a chemical facility into the surrounding area as a consequence of an act of terrorism; or

"(C) the obtaining of a substance of concern by any person for the purposes of releasing the substance off-site in furtherance of an act of terrorism.

"(3) ENVIRONMENT.—The term 'environment' has the meaning given the term in section 101 of the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601).

"(4) OWNER OR OPERATOR OF A CHEMICAL FACILITY.—The term 'owner or operator of a chemical facility' means any person who owns, leases, or operates a chemical facility.

"(5) RELEASE.—The term 'release' has the meaning given the term in section 101 of the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601).

"(6) SUBSTANCE OF CONCERN.—The term 'substance of concern' means a chemical substance in quantity and form that—

"(A) is listed under paragraph (3) of section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)) and has not been exempted from designation as a substance of concern by the Secretary under section 1802(a); or

"(B) is designated by the Secretary by regulation in accordance with section 1802(a).

"SEC. 1802. DESIGNATION AND RANKING OF CHEMICAL FACILITIES.

"(a) SUBSTANCES OF CONCERN.—

"(1) DESIGNATION BY THE SECRETARY.—The Secretary may—

"(A) designate any chemical substance as a substance of concern;

"(B) exempt any chemical substance from being designated as a substance of concern;

"(C) establish and revise, for purposes of making determinations under subsection (b), the threshold quantity for a chemical substance; or

"(D) require the submission of information with respect to the quantities of substances of concern that are used, stored, manufactured, processed, or distributed by any chemical facility.

"(2) MATTERS FOR CONSIDERATION.—

"(A) IN GENERAL.—In designating or exempting a chemical substance or establishing or adjusting the threshold quantity for a chemical substance under paragraph (1), the Secretary shall consider the potential extent of death, injury, or serious adverse effects to human health, the environment, critical infrastructure, national security, the national economy, or public welfare that would result from a terrorist release of the chemical substance.

"(B) ADOPTION OF CERTAIN THRESHOLD QUANTITIES.—The Secretary may adopt the threshold quantity established under paragraph (5) of subsection (r) of section 112 of the Clean Air Act (42 U.S.C. 7412(r)(5)) for any substance of concern that is also listed under paragraph (3) of that subsection.

"(b) LIST OF SIGNIFICANT CHEMICAL FACILITIES.—

"(1) IN GENERAL.—The Secretary shall maintain a list of significant chemical facilities in accordance with this subsection.

"(2) REQUIRED FACILITIES.—The Secretary shall include on the list maintained under paragraph (1) a chemical facility that has more than the threshold quantity established by the Secretary of any substance of concern.

"(3) AUTHORITY TO DESIGNATE CHEMICAL FACILITIES.—The Secretary may designate a chemical facility not required to be included under paragraph (2) as a significant chemical facility and shall include such a facility on the list maintained under paragraph (1). In designating a chemical facility under this paragraph, the Secretary shall use the following criteria:

"(A) The potential threat or likelihood that the chemical facility will be the target of terrorism.

"(B) The potential extent and likelihood of death, injury or serious adverse effects to human health and safety or to the environment that could result from a chemical facility terrorist incident.

"(C) The proximity of the chemical facility to population centers.

"(D) The potential threat caused by a person obtaining a substance of concern in furtherance of an act of terrorism.

"(E) The potential harm to critical infrastructure, national security, and the national economy from a chemical facility terrorist incident.

"(c) ASSIGNMENT OF CHEMICAL FACILITIES TO RISK-BASED TIERS.—

"(1) ASSIGNMENT.—The Secretary shall assign each chemical facility on the list of significant chemical facilities under subsection (b) to one of at least four risk-based tiers established by the Secretary.

"(2) PROVISION OF INFORMATION.—The Secretary may request, and the owner or operator of a chemical facility shall provide, information necessary for the Secretary to assign a chemical facility to the appropriate tier under paragraph (1).

"(3) NOTIFICATION.—Not later than 60 days after assigning a chemical facility to a tier under this subsection, the Secretary shall notify the chemical facility of the tier to which the facility is assigned and shall provide the facility with the reasons for assignment of the facility to such tier.

"(4) HIGH-RISK CHEMICAL FACILITIES.—At least one of the tiers established by the Secretary for the assignment of chemical facilities under this subsection shall be a tier designated for high-risk chemical facilities.

"(d) PERIODIC REVIEW OF LIST OF CHEMICAL FACILITIES.—

"(1) REQUIREMENT.—Not later than 3 years after the date on which the Secretary develops the list of significant chemical facilities under subsection (b)(1) and every 3 years thereafter, the Secretary shall—

"(A) consider the criteria under subsection (b)(3); and

"(B) determine whether to add a chemical facility to the list of significant chemical facilities maintained under subsection (b)(1) or to remove or change the tier assignment of any chemical facility on such list.

"(2) AUTHORITY TO REVIEW.—The Secretary may, at any time, after considering the criteria under subsections (b)(2) and (b)(3), add a chemical facility to the list of significant

chemical facilities maintained under subsection (b)(1) or remove or change the tier assignment of any chemical facility on such list.

“(3) NOTIFICATION.—Not later than 30 days after the date on which the Secretary adds a facility to the list of significant chemical facilities maintained by the Secretary under subsection (b)(1), removes a facility from such list, or changes the tier assignment of any facility on such list, the Secretary shall notify the owner of that facility of that addition, removal, or change.

“SEC. 1803. VULNERABILITY ASSESSMENTS AND FACILITY SECURITY PLANS.

“(a) VULNERABILITY ASSESSMENT AND FACILITY SECURITY PLAN REQUIRED FOR CHEMICAL FACILITIES.—

“(1) REQUIREMENT FOR VULNERABILITY ASSESSMENT AND SECURITY PLAN.—

“(A) REGULATIONS REQUIRED.—The Secretary shall prescribe regulations to—

“(i) establish standards, protocols, and procedures for vulnerability assessments and facility security plans to be required for chemical facilities on the list maintained by the Secretary under section 1802(b)(1);

“(ii) require the owner or operator of each such facility to—

“(I) conduct an assessment of the vulnerability of the chemical facility to a chemical facility terrorist incident;

“(II) prepare and implement a facility security plan that addresses the results of the vulnerability assessment; and

“(III) consult with the appropriate employees of the facility in developing the vulnerability assessment and security plan required under this section; and

“(iii) set deadlines for the completion of vulnerability assessments and facility security plans, such that all such plans and assessments are completed and submitted to the Secretary for approval no later than 3 years after final regulations are issued under this paragraph.

“(B) DEADLINE FOR HIGH-RISK CHEMICAL FACILITIES.—The owner or operator of a facility assigned to the high-risk tier under section 1802(c)(4) shall submit to the Secretary a vulnerability assessment and facility security plan not later than 6 months after the date on which the Secretary prescribes regulations under this subsection.

“(2) CRITERIA FOR REGULATIONS.—The regulations required under paragraph (1) shall—

“(A) be risk-based;

“(B) be performance-based; and

“(C) take into consideration—

“(i) the cost and technical feasibility of compliance by a chemical facility with the requirements under this title;

“(ii) the different quantities and forms of substances of concern stored, used, and handled at chemical facilities; and

“(iii) the matters for consideration under section 1802(a)(2).

“(3) PROVISION OF ASSISTANCE AND GUIDANCE.—The Secretary shall provide assistance and guidance to a chemical facility conducting a vulnerability assessment or facility security plan required under this section.

“(b) MINIMUM REQUIREMENTS FOR HIGH-RISK CHEMICAL FACILITIES.—

“(1) REQUIREMENTS FOR VULNERABILITY ASSESSMENTS.—In the case of a facility assigned to the high-risk tier under section 1802(c)(4), the Secretary shall require that the vulnerability assessment required under this section include each of the following:

“(A) The identification of any hazard that could result from a chemical facility terrorist incident at the facility.

“(B) The number of individuals at risk of death, injury, or severe adverse effects to human health as a result of a chemical facility terrorist incident at the facility.

“(C) Information related to the criticality of the facility for purposes of assessing the degree to which the facility is critical to the economy or national security of the United States.

“(D) The proximity or interrelationship of the facility to other critical infrastructure.

“(E) Any vulnerability of the facility with respect to—

“(i) physical security;

“(ii) programmable electronic devices, computers, computer or communications networks, or other automated systems used by the facility;

“(iii) alarms, cameras, and other protection systems;

“(iv) communication systems;

“(v) any utility or infrastructure (including transportation) upon which the facility relies to operate safely and securely; or

“(vi) the structural integrity of equipment for storage, handling, and other purposes.

“(F) Any information relating to threats relevant to the facility that is provided by the Secretary in accordance with paragraph (3).

“(G) Such other information as the Secretary determines is appropriate.

“(2) REQUIREMENTS FOR FACILITY SECURITY PLANS.—In the case of a facility assigned to the high-risk tier under section 1802(c)(4), the Secretary shall require that the facility security plan required under this section include each of the following:

“(A) Chemical facility security measures to address the vulnerabilities of the facility to a chemical facility terrorist incident.

“(B) A plan for periodic drills and exercises to be conducted at the facility that include participation by facility employees, local law enforcement agencies, and first responders, as appropriate.

“(C) Equipment, plans, and procedures to be implemented or used by or at the chemical facility in the event of a chemical facility terrorist incident that affects the facility, including site evacuation, release mitigation, and containment plans.

“(D) An identification of any steps taken to coordinate with State and local law enforcement agencies, first responders, and Federal officials on security measures and plans for response to a chemical facility terrorist incident.

“(E) Specify the security officer who will be the point of contact for the National Incident Management System and for Federal, State, and local law enforcement and first responders.

“(F) A description of enhanced security measures during periods of time when the Secretary determines that heightened threat conditions exist.

“(3) PROVISION OF THREAT-RELATED INFORMATION.—The Secretary shall provide in a timely manner, to the maximum extent practicable under applicable authority and in the interests of national security, to an owner or operator of a facility assigned to the high-risk tier under section 1802(c)(4), threat information that is relevant to the facility, including an assessment of the most likely method that could be used by terrorists to exploit any vulnerabilities of the facility and the likelihood of the success of such method.

“(4) RED TEAM EXERCISES.—The Secretary shall conduct red team exercises at facilities selected by the Secretary that have been assigned to the high-risk tier under section 1802(c)(4) such that all chemical facilities designated under that section will undergo a red team exercise during the six-year period that begins on the date on which the Secretary prescribes regulations to carry out this title. The exercises shall be—

“(A) conducted after informing the owner or operator of the facility selected; and

“(B) designed to identify at each selected facility—

“(i) any vulnerabilities of the facility;

“(ii) possible modes by which the facility could be attacked; and

“(iii) any weaknesses in the security plan of the facility.

“(c) SECURITY PERFORMANCE REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall establish security performance requirements for the facility security plans required to be prepared by chemical facilities assigned to each risk-based tier established under section 1802(c). The requirements shall—

“(A) require separate and increasingly stringent security performance requirements for facility security plans as the level of risk associated with the tier increases; and

“(B) permit each chemical facility submitting a facility security plan to select a combination of chemical facility security measures that satisfy the security performance requirements established by the Secretary under this subsection.

“(2) CRITERIA.—In establishing the security performance requirements under paragraph (1), the Secretary shall consider the criteria under subsection (a)(2).

“(3) GUIDANCE.—The Secretary shall provide guidance to each chemical facility on the list maintained by the Secretary under section 1802(b)(1) regarding the types of chemical facility security measures that, if applied, could satisfy the requirements under this section.

“(d) CO-LOCATED CHEMICAL FACILITIES.—The Secretary shall allow the owners or operators of two or more chemical facilities that are located geographically close to each other or otherwise co-located to develop and implement coordinated vulnerability assessments and facility security plans, at the discretion of the owner or operator of the chemical facilities.

“(e) PROCEDURES, PROTOCOLS, AND STANDARDS SATISFYING REQUIREMENTS FOR VULNERABILITY ASSESSMENT AND SECURITY PLAN.—

“(1) DETERMINATION BY THE SECRETARY.—In response to a petition by any person, or at the discretion of the Secretary, the Secretary may endorse or recognize procedures, protocols, and standards that the Secretary determines meet all or part of the requirements of this section.

“(2) USE OF PROCEDURES, PROTOCOLS, AND STANDARDS.—

“(A) USE BY INDIVIDUAL FACILITIES.—Upon review and written determination by the Secretary under paragraph (1) that the procedures, protocols, or standards of a chemical facility subject to the requirements of this section satisfy some or all of the requirements of this section, the chemical facility may elect to comply with those procedures, protocols, or standards.

“(B) USE BY CLASSES OF FACILITIES.—At the discretion of the Secretary, the Secretary may identify a class or category of chemical facilities subject to the requirements of this section that may use the procedures, protocols, or standards recognized under this section in order to comply with all or part of the requirements of this section.

“(3) PARTIAL ENDORSEMENT OR RECOGNITION.—If the Secretary finds that a procedure, protocol, or standard satisfies only part of the requirements of this section, the Secretary may allow a chemical facility subject to the requirements of this section to comply with that procedure, protocol, or standard for purposes of that requirement, but shall require the facility to submit of any additional information required to satisfy the requirements of this section not met by that procedure, protocol, or standard.

“(4) NOTIFICATION.—If the Secretary does not endorse or recognize a procedure, protocol, or standard for which a petition is submitted under paragraph (1), the Secretary shall provide to the person submitting a petition under paragraph (1) written notification that includes an explanation of the reasons why the endorsement or recognition was not made.

“(5) REVIEW.—Nothing in this subsection shall relieve the Secretary (or a designee of the Secretary which may be a third party auditor certified by the Secretary) of the obligation—

“(A) to review a vulnerability assessment and facility security plan submitted by a high-risk chemical facility under this section; and

“(B) to approve or disapprove each assessment or plan on an individual basis.

“(f) OTHER AUTHORITIES.—

“(1) EXISTING AUTHORITIES.—A chemical facility on the list maintained by the Secretary under section 1802(b)(1) that is required to prepare a vulnerability assessment or facility security plan under chapter 701 of title 46, United States Code, or section 1433 of the Safe Drinking Water Act (42 U.S.C. 300i-2) shall not be subject to the requirements of this section, unless the Secretary, after reviewing the vulnerability assessment, facility security plan, or other relevant documents voluntarily offered by the chemical facility (including any updates thereof) requires more stringent performance requirements or red-team exercise under subsection (b)(4).

“(2) COORDINATION.—In the case of any storage required to be licensed under chapter 40 of title 18, United States Code, the Secretary shall prescribe the rules and regulations for the implementation of this section with the concurrence of the Attorney General and avoid unnecessary duplication of regulatory requirements.

“(g) PERIODIC REVIEW BY CHEMICAL FACILITY REQUIRED.—

“(1) SUBMISSION OF REVIEW.—Not later than 3 years after the date on which a vulnerability assessment or facility security plan required under this section is submitted, and at least once every 5 years thereafter (or on such a schedule as the Secretary may establish by regulation), the owner or operator of the chemical facility covered by the vulnerability assessment or facility security plan shall submit to the Secretary a review of the adequacy of the vulnerability assessment or facility security plan that includes a description of any changes made to the vulnerability assessment or facility security plan.

“(2) REVIEW OF REVIEW.—The Secretary shall—

“(A) ensure that a review required under paragraph (1) is submitted not later than the applicable date; and

“(B) not later than 6 months after the date on which a review is submitted under paragraph (1), review the review and notify the facility submitting the review of the Secretary’s approval or disapproval of the review.

“(h) ROLE OF EMPLOYEES.—As appropriate, vulnerability assessments or facility security plans required under this section should describe the roles or responsibilities that facility employees are expected to perform to prevent or respond to a chemical facility terrorist incident.

“SEC. 1804. RECORD KEEPING; SITE INSPECTIONS.

“(a) RECORD KEEPING.—The Secretary shall require each chemical facility required to submit a vulnerability assessment or facility security plan under section 1803 to maintain a current copy of the assessment and the plan at the facility.

“(b) RIGHT OF ENTRY.—For purposes of carrying out this title, the Secretary (or a designee of the Secretary) shall have, on presentation of credentials, a right of entry to, on, or through any property of a chemical facility on the list maintained by the Secretary under section 1802(a)(1) or any property on which any record required to be maintained under this section is located.

“(c) INSPECTIONS AND VERIFICATIONS.—The Secretary shall, at such time and place as the Secretary determines to be appropriate, conduct or require the conduct of facility security inspections and verifications and may, by regulation, authorize third party inspections and verifications by persons trained and certified by the Secretary for that purpose. Such an inspection or verification shall include a consultation with owners, operators, and employees, as appropriate, and ensure and evaluate compliance with—

“(1) this title and any regulations prescribed to carry out this title; and

“(2) any security standards or requirements adopted by the Secretary in furtherance of the purposes of this title.

“(d) REQUESTS FOR RECORDS.—In carrying out this title, the Secretary (or a designee of the Secretary) may require the submission of or, on presentation of credentials, may at reasonable times obtain access to and copy any documentation necessary for—

“(1) reviewing or analyzing a vulnerability assessment or facility security plan submitted under section 1803; or

“(2) implementing such a facility security plan.

“(e) COMPLIANCE.—If the Secretary determines that an owner or operator of a chemical facility required to submit a vulnerability assessment or facility security plan under section 1803 fails to maintain, produce, or allow access to records or to the property of the chemical facility as required by this section, the Secretary shall issue an order requiring compliance with this section.

“SEC. 1805. ENFORCEMENT.

“(a) SUBMISSION OF INFORMATION.—

“(1) INITIAL SUBMISSION.—The Secretary shall specify in regulations prescribed under section 1803(a), specific deadlines for the submission of the vulnerability assessments and facility security plans required under this title to the Secretary. The Secretary may establish different submission requirements for the different tiers of chemical facilities under section 1802(c).

“(2) MAJOR CHANGES REQUIREMENT.—The Secretary shall specify in regulations prescribed under section 1803(a), specific deadlines and requirements for the submission by a facility required to submit a vulnerability assessment or facility security plan under that section of information describing—

“(A) any change in the use by the facility of more than a threshold amount of any substance of concern; and

“(B) any significant change in a vulnerability assessment or facility security plan submitted by the facility.

“(3) FAILURE TO COMPLY.—If an owner or operator of a chemical facility fails to submit a vulnerability assessment or facility security plan in accordance with this title, the Secretary shall issue an order requiring the submission of a vulnerability assessment or facility security plan in accordance with section 1804(e).

“(b) REVIEW OF SECURITY PLAN.—

“(1) IN GENERAL.—

“(A) DEADLINE FOR REVIEW.—Not later than 180 days after the date on which the Secretary receives a vulnerability assessment or facility security plan under this title, the Secretary shall review and approve or disapprove such assessment or plan.

“(B) DESIGNEE.—The Secretary may designate a person (including a third party entity certified by the Secretary) to conduct a review under this subsection.

“(2) DISAPPROVAL.—The Secretary shall disapprove a vulnerability assessment or facility security plan if the Secretary determines that—

“(A) the vulnerability assessment or facility security plan does not comply with regulations prescribed under section 1803; or

“(B) in the case of a facility security plan, the plan or the implementation of the plan is insufficient to address any vulnerabilities identified in a vulnerability assessment of the chemical facility or associated oversight actions taken under sections 1803 and 1804, including a red team exercise.

“(3) SPECIFIC SECURITY MEASURES NOT REQUIRED.—The Secretary shall not disapprove a facility security plan under this section based solely on the specific chemical facility security measures that the chemical facility selects to meet the security performance requirements established by the Secretary under section 1803(c).

“(4) PROVISION OF NOTIFICATION OF DISAPPROVAL.—If the Secretary disapproves the vulnerability assessment or facility security plan submitted by a chemical facility under this title or the implementation of a facility security plan by such a facility, the Secretary shall—

“(A) provide the owner or operator of the facility a written notification of the disapproval, that—

“(i) includes a clear explanation of deficiencies in the assessment, plan, or implementation of the plan; and

“(ii) requires the owner or operator of the facility to revise the assessment or plan to address any deficiencies and to submit to the Secretary the revised assessment or plan;

“(B) provide guidance to assist the facility in addressing such deficiency;

“(C) in the case of a facility for which the owner or operator of the facility does not address such deficiencies by such date as the Secretary determines to be appropriate, issue an order requiring the owner or operator to correct specified deficiencies by a specified date; and

“(D) in the case of a facility assigned to the high-risk tier under section 1802(c)(4), consult with the owner or operator of the facility to identify appropriate steps to be taken by the owner or operator to address the deficiencies identified by the Secretary.

“(5) NO PRIVATE RIGHT OF ACTION.—Nothing in this title confers upon any private person a right of action against an owner or operator of a chemical facility to enforce any provision of this title.

“(c) REPORTING PROCESS.—

“(1) ESTABLISHMENT.—The Secretary shall establish, and provide information to the public regarding, a process by which any person may submit a report to the Secretary regarding problems, deficiencies, or vulnerabilities at a chemical facility.

“(2) CONFIDENTIALITY.—The Secretary shall keep confidential the identity of a person that submits a report under paragraph (1) and any such report shall be treated as protected information under section 1808(f) to the extent that it does not consist of publicly available information.

“(3) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person submitting the report, the Secretary shall respond promptly to such person to acknowledge receipt of the report.

“(4) STEPS TO ADDRESS PROBLEMS.—The Secretary shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps under this title to address any

problem, deficiency, or vulnerability identified in the report.

“(5) RETALIATION PROHIBITED.—

“(A) PROHIBITION.—No employer may discharge any employee or otherwise discriminate against any employee with respect to the compensation of, or terms, conditions, or privileges of the employment of, such employee because the employee (or a person acting pursuant to a request of the employee) submitted a report under paragraph (1).

“(B) ENFORCEMENT PROCESS.—The Secretary shall establish—

“(i) a process by which an employee can notify the Secretary of any retaliation prohibited under this paragraph; and

“(ii) a process by which the Secretary may take action as appropriate to enforce this section.

“SEC. 1806. PENALTIES.

“(a) ADMINISTRATIVE PENALTIES.—

“(1) IN GENERAL.—The Secretary may issue an administrative penalty of not more than \$250,000 for failure to comply with an order issued by the Secretary under this title.

“(2) PROVISION OF NOTICE.—Before issuing a penalty under paragraph (1), the Secretary shall provide to the person against which the penalty is to be assessed—

“(A) written notice of the proposed penalty; and

“(B) to the extent possible, consistent with the provisions of title 5, United States Code, governing hearings on the record, the opportunity to request, not later than 30 days after the date on which the notice is received, a hearing on the proposed penalty.

“(3) PROCEDURES FOR REVIEW.—The Secretary may prescribe regulations outlining the procedures for administrative hearings and appropriate review, including necessary deadlines.

“(b) CIVIL PENALTIES.—

“(1) IN GENERAL.—The Secretary may bring an action in a United States district court against any owner or operator of a chemical facility that violates or fails to comply with—

“(A) any order issued by the Secretary under this title; or

“(B) any facility security plan approved by the Secretary under this title.

“(2) RELIEF.—In any action under paragraph (1), a court may issue an order for injunctive relief and may award a civil penalty of not more than \$50,000 for each day on which a violation occurs or a failure to comply continues.

“(c) CRIMINAL PENALTIES.—An owner or operator of a chemical facility who knowingly and intentionally violates any order issued by the Secretary under this title shall be fined not more than \$100,000, imprisoned for not more than 1 year, or both.

“(d) PENALTIES FOR UNAUTHORIZED DISCLOSURE.—Any officer or employee of a Federal, State, or local government agency who, in a manner or to an extent not authorized by law, knowingly discloses any record containing protected information described in section 1808(f) shall—

“(1) be imprisoned not more than 1 year, fined under chapter 227 of title 18, United States Code, or both; and

“(2) if an officer or employee of the Government, be removed from Federal office or employment.

“(e) TREATMENT OF INFORMATION IN ADJUDICATIVE PROCEEDINGS.—In a proceeding under this section, information protected under section 1808, or related vulnerability or security information, shall be treated in any judicial or administrative action as if the information were classified material.

“SEC. 1807. STATE AND OTHER LAWS.

“(a) IN GENERAL.—Nothing in this title shall preclude or deny any right of any State

or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance respecting chemical facility security that is more stringent than a regulation, requirement, or standard of performance in effect under this title, or shall otherwise impair any right or jurisdiction of the States with respect to chemical facilities within such States unless there is an actual conflict between a provision of this title and the law of the State.

“(b) OTHER REQUIREMENTS.—Nothing in this title shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance, including air or water pollution requirements, that are directed at problems other than reducing damage from terrorist attacks.

“SEC. 1808. PROTECTION OF INFORMATION.

“(a) PROHIBITION OF PUBLIC DISCLOSURE OF PROTECTED INFORMATION.—

“(1) IN GENERAL.—The Secretary shall ensure that protected information, as described in subsection (f), is not disclosed except as provided in this title.

“(2) SPECIFIC PROHIBITIONS.—In carrying out paragraph (1), the Secretary shall ensure that protected information is not disclosed—

“(A) by any Federal agency under section 552 of title 5, United States Code; or

“(B) under any State or local law.

“(b) REGULATIONS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Chemical Facility Anti-Terrorism Act of 2006, the Secretary shall prescribe such regulations, and may issue such orders, as necessary to prohibit the unauthorized disclosure of protected information, as described in subsection (f).

“(2) REQUIREMENTS.—The regulations prescribed under paragraph (1) shall—

“(A) permit information sharing, on a confidential basis, with Federal, State and local law enforcement officials and first responders and chemical facility personnel, as necessary to further the purposes of this title;

“(B) provide for the confidential use of protected information in any administrative or judicial proceeding, including placing under seal any such information that is contained in any filing, order, or other document used in such proceedings that could otherwise become part of the public record;

“(C) limit access to protected information to persons designated by the Secretary; and

“(D) ensure, to the maximum extent practicable, that—

“(i) protected information shall be maintained in a secure location; and

“(ii) access to protected information shall be limited as may be necessary to—

“(I) enable enforcement of this title; or

“(II) address an imminent and substantial threat to security.

“(c) OTHER OBLIGATIONS UNAFFECTED.—Nothing in this section affects any obligation of the owner or operator of a chemical facility to submit or make available information to facility employees, employee organizations, or a Federal, State, or local government agency under, or otherwise to comply with, any other law.

“(d) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this title shall be construed as authorizing the withholding of any information from Congress.

“(e) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this title shall be construed as affecting any authority or obligation of a Federal agency to disclose any record or information that the Federal agency obtains from a chemical facility under any other law.

“(f) PROTECTED INFORMATION.—For purposes of this section, protected information includes the following:

“(1) The criteria and data used by the Secretary to assign chemical facilities to risk-based tiers under section 1802 and the tier to which each such facility is assigned.

“(2) The vulnerability assessments and facility security plans submitted to the Secretary under this title.

“(3) Information concerning the security performance requirements for a chemical facility under section 1803(c).

“(4) Any other information generated or collected by a Federal, State, or local government agency or by a chemical facility for the purpose of carrying out or complying with this title—

“(A) that describes any vulnerability of a chemical facility to an act of terrorism;

“(B) that describes the assignment of any chemical facility to a risk-based tier under this title;

“(C) that describes any security measure (including any procedure, equipment, training, or exercise) for the protection of a chemical facility from an act of terrorism; or

“(D) the disclosure of which the Secretary determines would be detrimental to the security of any chemical facility.

“SEC. 1809. CERTIFICATION OF THIRD-PARTY ENTITIES.

“(a) CERTIFICATION OF THIRD-PARTY ENTITIES.—The Secretary may designate a third-party entity to carry out any function under subsection (e)(5) of section 1803, subsection (b) or (c) of section 1804, or subsection (b)(1) of section 1805.

“(b) QUALIFICATIONS.—The Secretary shall establish standards for the qualifications of third-party entities, including knowledge of physical infrastructure protection, cybersecurity, facility security plans, hazard analysis, engineering, and other such factors that the Secretary determines to be necessary.

“(c) PROCEDURES AND REQUIREMENTS FOR PRIVATE ENTITIES.—Before designating a third-party entity to carry out a function under subsection (a), the Secretary shall—

“(1) develop, document, and update, as necessary, minimum standard operating procedures and requirements applicable to such entities designated under subsection (a), including—

“(A) conducting a 90-day independent review of the procedures and requirements (or updates thereto) and the results of the analyses of such procedures (or updates thereto) pursuant to subtitle G of title VIII; and

“(B) upon completion of the independent review under subparagraph (A), designating any procedure or requirement (or any update thereto) as a qualified anti-terrorism technology pursuant to section 862(b);

“(2) conduct safety and hazard analyses of the standard operating procedures and requirements developed under paragraph (1);

“(3) conduct a review of the third party entities' previous business engagements to ensure that no contractual relationship has or will exist that could compromise their independent business judgment in carrying out any functions under subsection(e)(5) of section 1803, subsection (b) or (c) of section 1804, or subsection(b)(1) of section 1805; and

“(4) conduct a review of the third party entities' business practices and disqualify any of these organizations that offer related auditing or consulting services to chemical facilities as private sector vendors.

“(d) TECHNICAL REVIEW AND APPROVAL.—Not later than 60 days after the date on which the results of the safety and hazard analysis of the standard operating procedures and requirements are completed under subsection (c)(2), the Secretary shall—

“(1) complete a technical review of the procedures and requirements (or updates thereto) under sections 862(b) and 863(d)(2); and

“(2) approve or disapprove such procedures and requirements (or updates thereto).

“(e) EFFECT OF APPROVAL.—

“(1) ISSUANCE OF CERTIFICATE OF CONFORMANCE.—In accordance with section 863(d)(3), the Secretary shall issue a certificate of conformance to a third-party entity to perform a function under subsection (a) if the entity—

“(A) demonstrates to the satisfaction of the Secretary the ability to perform functions in accordance with standard operating procedures and requirements (or updates thereto) approved by the Secretary under this section;

“(B) agrees to—

“(i) perform such function in accordance with such standard operating procedures and requirements (or updates thereto); and

“(ii) maintain liability insurance coverage at policy limits and in accordance with conditions to be established by the Secretary pursuant to section 864; and

“(C) signs an agreement to protect the proprietary and confidential information of any chemical facility with respect to which the entity will perform such function.

“(2) LITIGATION AND RISK MANAGEMENT PROTECTIONS.—A third-party entity that maintains liability insurance coverage at policy limits and in accordance with conditions to be established by the Secretary pursuant to section 864 and receives a certificate of conformance under paragraph (1) shall receive all applicable litigation and risk management protections under sections 863 and 864.

“(3) RECIPROCAL WAIVER OF CLAIMS.—A reciprocal waiver of claims shall be deemed to have been entered into between a third-party entity that receives a certificate of conformance under paragraph (1) and its contractors, subcontractors, suppliers, vendors, customers, and contractors and subcontractors of customers involved in the use or operation of any function performed by the third-party entity under subparagraph (a).

“(4) INFORMATION FOR ESTABLISHING LIMITS OF LIABILITY INSURANCE.—A third-party entity seeking a certificate of conformance under paragraph (1) shall provide to the Secretary necessary information for establishing the limits of liability insurance required to be maintained by the entity under section 864(a).

“(f) MONITORING.—The Secretary shall regularly monitor and inspect the operations of a third-party entity that performs a function under subsection (a) to ensure that the entity is meeting the minimum standard operating procedures and requirements established under subsection (c) and any other applicable requirement under this section.

“(g) RESTRICTION ON DESIGNATION.—No individual may be designated to carry out any function under this title with respect to any facility with which that individual was affiliated as an officer, director, or employee during the three-year period preceding the date of such designation.

“SEC. 1810. METHODS TO REDUCE THE CONSEQUENCES OF A TERRORIST ATTACK.

“(a) METHOD TO REDUCE THE CONSEQUENCES OF A TERRORIST ATTACK.—For purposes of this section, the term ‘method to reduce the consequences of a terrorist attack’ includes—

“(1) input substitution;

“(2) catalyst or carrier substitution;

“(3) process redesign (including reuse or recycling of a substance of concern);

“(4) product reformulation;

“(5) procedure simplification;

“(6) technology modification;

“(7) use of less hazardous substances or benign substances;

“(8) use of smaller quantities of substances of concern;

“(9) reduction of hazardous pressures or temperatures;

“(10) reduction of the possibility and potential consequences of equipment failure and human error;

“(11) improvement of inventory control and chemical use efficiency; and

“(12) reduction or elimination of the storage, transportation, handling, disposal, and discharge of substances of concern.

“(b) ASSESSMENT REQUIRED.—

“(1) IN GENERAL.—The owner or operator of a facility assigned to the high-risk tier under section 1802(c)(4), shall conduct an assessment of methods to reduce the consequences of a terrorist attack on that chemical facility.

“(2) INCLUDED INFORMATION.—An assessment under this subsection shall include information on—

“(A) each method of reducing the consequences of a terrorist attack considered for implementation at the chemical facility, including—

“(i) the quantity of any substance of concern considered for reduction or elimination and the form of any considered replacement for such substance of concern; and

“(ii) any technology or process considered for modification and a description of the considered modification;

“(B) the degree to which each such method could, if implemented, reduce the potential extent of death, injury, or serious adverse effects to human health, and the environment; and

“(C) a description of any specific considerations that led to the implementation or rejection of each such method, including—

“(i) requirements under this title;

“(ii) cost;

“(iii) liability for a chemical facility terrorist incident;

“(iv) cost savings, including whether the method would eliminate or reduce other security costs or requirements;

“(v) the availability of a replacement for a substance of concern, technology, or process that would be eliminated or altered as a result of the implementation of the method;

“(vi) the applicability of any considered replacement for the substance of concern, technology, or process to the chemical facility; and

“(vii) any other factor that the owner or operator of the chemical facility considered in judging the practicability of each method to reduce the consequences of a terrorist attack.

“(3) DEADLINE.—The deadlines for submission and review of an assessment for a facility described in this subsection shall be the same as the deadline for submission and review of the facility security plan or relevant documents submitted to the Secretary by the facility for the purposes of complying with section 1803.

“(c) REVIEW AND IMPLEMENTATION.—

“(1) REVIEW.—Not later than 180 days after receiving an assessment described in subsection (b), the Secretary shall review the assessment and provide written notice to the owner or operator of a chemical facility required to conduct an assessment under subsection (b) if the Secretary determines that the assessment described in subsection (b) is inadequate.

“(2) CONSULTATION.—The Secretary shall consult with the heads of other Federal, State, and local agencies, including the Chemical Safety and Hazard Investigation Board and the Environmental Protection Agency, in determining whether the assessment described in subsection (b) is adequate.

“(3) IMPLEMENTATION.—The owner or operator of a chemical facility required to conduct an assessment under subsection (b) shall implement methods to reduce the con-

sequences of a terrorist attack on the chemical facility if the Secretary determines, based on an assessment in subsection (b), that the implementation of methods to reduce the consequences of a terrorist attack at the high-risk chemical facility

“(A) would significantly reduce the risk of death, injury, or serious adverse effects to human health or the environment resulting from a terrorist release;

“(B) can feasibly be incorporated into the operation of the facility; and

“(C) would not significantly and demonstrably impair the ability of the owner or operator of the facility to continue the business of the facility.

“(4) RECONSIDERATION.—

“(A) IN GENERAL.—An owner or operator of a chemical facility that determines that it is unable to comply with the Secretary’s determination under subsection (c)(3) shall, within 60 days of receipt of the Secretary’s determination, provide to the Panel on Methods to Reduce the Consequences of a Terrorist Attack a written explanation that includes the reasons thereto.

“(B) REVIEW.—Not later than 60 days of receipt of an explanation submitted under subsection (c)(4)(A), the Panel on Methods to Reduce the Consequences of a Terrorist Attack, after an opportunity for the owner or operator of a chemical facility to meet with the Panel on Methods to Reduce the Consequences of a Terrorist Attack, shall provide a written determination regarding the adequacy of the explanation, and shall, if appropriate, include recommendations to the chemical facility that would assist the facility in its assessment and implementation.

“(C) NOTIFICATION.—Not later than 60 days after the date of the receipt of the written determination described under subsection (c)(4)(B), the owner or operator of the chemical facility shall provide to the Secretary written notification of the owner or operator’s plans to implement methods to reduce the consequences of a terrorist attack recommended by the Panel on Methods to Reduce the Consequences of a Terrorist Attack.

“(D) COMPLIANCE.—If the facility does not implement the recommendations made by the Panel on Methods to Reduce the Consequences of a Terrorist Attack, the Secretary may, within 60 days of receipt of the plans described in (4)(C), issue an order requiring the owner or operator to implement such methods by a specified date.

“(E) PANEL ON METHODS TO REDUCE THE CONSEQUENCES OF A TERRORIST ATTACK.—The Panel on Methods to Reduce the Consequences of a Terrorist Attack shall be chaired by the Secretary (or the Secretary’s designee) and shall include representatives, chosen by the Secretary, of other appropriate Federal and State agencies, independent security experts and the chemical industry.

“(d) ALTERNATIVE APPROACHES CLEARINGHOUSE.—

“(1) ESTABLISHMENT.—The Secretary shall establish a publicly available clearinghouse for the compilation and dissemination of information on the use and availability of methods to reduce the consequences of a terrorist attack at a chemical facility.

“(2) INCLUSIONS.—The clearinghouse required under paragraph (1) shall include information on—

“(A) general and specific types of such methods;

“(B) combinations of chemical sources, substances of concern, and hazardous processes or conditions for which such methods could be appropriate;

“(C) the availability of specific methods to reduce the consequences of a terrorist attack;

“(D) the costs and cost savings resulting from the use of such methods;

“(E) technological transfer;

“(F) the availability of technical assistance; and

“(G) such other information as the Secretary determines is appropriate.

“(3) COLLECTION OF INFORMATION.—The Secretary shall collect information for the clearinghouse—

“(A) from documents submitted by owners or operators pursuant to this title;

“(B) by surveying owners or operators who have registered their facilities pursuant to part 68 of title 40 Code of Federal Regulations (or successor regulations); and

“(C) through such other methods as the Secretary deems appropriate.

“(4) PUBLIC AVAILABILITY.—Information available publicly through the clearinghouse shall not identify any specific facility or violate the protection of information provisions under section 1808.

“(e) PROTECTED INFORMATION.—An assessment prepared under subsection (b) is protected information for the purposes of section 1808(f).

“SEC. 1811. ANNUAL REPORT TO CONGRESS.

“(a) ANNUAL REPORT.—Not later than one year after the date of enactment of the Chemical Facility Anti-Terrorism Act of 2006 and annually thereafter, the Secretary shall publish a report on progress in achieving compliance with this title, including—

“(1) an assessment of the effectiveness of the facility security plans developed under this title;

“(2) any lessons learned in implementing this title (including as a result of a red-team exercise); and

“(3) any recommendations of the Secretary to improve the programs, plans, and procedures under this title, including the feasibility of programs to increase the number of economically disadvantaged businesses eligible to perform third party entity responsibilities pursuant to sections 1803(e)(5), 1804(b) and (c), and 1805(b)(1).

“(b) PROTECTED INFORMATION.—A report under this section may not include information protected under section 1808.

“SEC. 1812. APPLICABILITY.

“This title shall not apply to—

“(1) any facility that is owned and operated by the Department of Defense, the Department of Justice, or the Department of Energy;

“(2) the transportation in commerce, including incidental storage, of any substance of concern regulated as a hazardous material under chapter 51 of title 49, United States Code; or

“(3) any facility that is owned or operated by a licensee or certificate holder of the Nuclear Regulatory Commission.

“SEC. 1813. SAVINGS CLAUSE.

“Nothing in this title is intended to affect section 112 of the Clean Air Act (42 U.S.C. 7412), the Clean Water Act, the Resource Conservation and Recovery Act, the National Environmental Policy Act of 1969, and the Occupational Safety and Health Act.

“SEC. 1814. OFFICE OF CHEMICAL FACILITY SECURITY.

“There is in the Department an Office of Chemical Facility Security. The head of the Office of Chemical Facility Security is responsible for carrying out the responsibilities of the Secretary under this title.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding at the end the following:

“TITLE XVIII—REGULATION OF CHEMICAL FACILITIES

“Sec. 1801. Definitions.

“Sec. 1802. Designation and ranking of chemical facilities.

“Sec. 1803. Vulnerability assessments and facility security plans.

“Sec. 1804. Record keeping; site inspections.

“Sec. 1805. Enforcement.

“Sec. 1806. Penalties.

“Sec. 1807. State and other laws.

“Sec. 1808. Protection of information.

“Sec. 1809. Certification of third-party entities.

“Sec. 1810. Methods to reduce the consequences of a terrorist attack.

“Sec. 1811. Annual report to Congress.

“Sec. 1812. Applicability.

“Sec. 1813. Savings clause.

“Sec. 1814. Office of Chemical Facility Security.

SEC. 503. REPORT TO CONGRESS.

(a) UPDATED REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives an update of the national strategy for the chemical sector that was required to be submitted by the Secretary to the Committee on Appropriations of the House of Representatives and the Committee of Appropriations of the Senate by not later than February 10, 2006.

(b) PROTECTED INFORMATION.—The report under subsection (a) may not include information protected under section 1808 of the Homeland Security Act of 2002, as added by this Act.

SEC. 504. INSPECTOR GENERAL REPORT.

(a) REPORT REQUIRED.—Not later than 1 year after the date on which regulations are issued under section 505(a), the Inspector General of the Department shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that reviews the effectiveness of the implementation of title XVIII of the Homeland Security Act of 2002, as added by this Act, including the effectiveness of facility security plans required under such title and any recommendations to improve the programs, plans, and procedures required under such title, including the feasibility of programs to increase the number of economically disadvantaged businesses eligible to perform third party entity responsibilities pursuant to sections 1803(e)(5), 1804(b) and (c), and 1805(b)(1) of this title.

(b) CLASSIFIED ANNEX.—The Inspector General may issue a classified annex to the report required under subsection (a), if the Inspector General determines a classified annex is necessary.

SEC. 505. DEADLINE FOR REGULATIONS.

(a) INTERIM FINAL RULE AUTHORITY.—Not later than 1 year after the date of enactment of this Act, and without regard to chapter 5 of title 5, United States Code, the Secretary of Homeland Security shall issue an interim final rule as a temporary regulation implementing section 1803(a) of the Homeland Security Act of 2002, as added by this Act. All regulations issued under the authority of this subsection that are not earlier superseded by final regulations shall expire not later than 2 years after the date of enactment of this Act.

(b) INITIATION OF RULEMAKING.—The Secretary may initiate a rulemaking to implement this title (including the amendments made by this title) as soon as practicable after the date of enactment of this Act. The final rule issued under that rulemaking may supersede the interim final rule promulgated under subsection (a).

SEC. 506. CHEMICAL FACILITY TRAINING PROGRAM.

(a) IN GENERAL.—Subtitle A of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361) is amended by adding at the end the following:

“SEC. 802. CHEMICAL FACILITY TRAINING PROGRAM.

“(a) IN GENERAL.—The Secretary, acting through the Departmental official with general responsibility for training and in coordination with components of the Department with chemical facility security expertise, shall establish a Chemical Facility Security Training Program (hereinafter in this section referred to as the ‘Program’) for the purpose of enhancing the capabilities of chemical facilities to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism.

“(b) REQUIREMENTS.—The Program shall provide voluntary training that—

“(1) reaches multiple disciplines, including Federal, State, and local government officials, chemical facility owners, operators and employees and governmental and non-governmental emergency response providers;

“(2) utilizes multiple training mediums and methods;

“(3) addresses chemical facility security and facility security plans, including—

“(A) facility security plans and procedures for differing threat levels;

“(B) physical security, security equipment and systems, access control, and methods for preventing and countering theft;

“(C) recognition and detection of weapons and devices;

“(D) security incident procedures, including procedures for communicating with emergency response providers;

“(E) evacuation procedures and use of appropriate personal protective equipment; and

“(F) other requirements that the Secretary deems appropriate;

“(4) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other national initiatives;

“(5) includes consideration of existing security and hazardous chemical training programs including Federal or industry programs; and

“(6) is evaluated against clear and consistent performance measures.

“(c) NATIONAL VOLUNTARY CONSENSUS STANDARDS.—The Secretary shall—

“(1) support the promulgation, and regular updating as necessary of national voluntary consensus standards for chemical facility security training ensuring that training is consistent with such standards; and

“(2) ensure that the training provided under this section is consistent with such standards.

“(d) TRAINING PARTNERS.—In developing and delivering training under the Program, the Secretary shall—

“(1) work with government training programs, facilities, academic institutions, industry and private organizations, employee organizations, and other relevant entities that provide specialized, state-of-the-art training; and

“(2) utilize, as appropriate, training provided by industry, public safety academies, Federal programs, employee organizations, State and private colleges and universities, and other facilities.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 801 the following:

“Sec. 802. Chemical facility training program.”

SA 4988. 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; 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. 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. HAZARDOUS MATERIALS HIGHWAY ROUTING.

(a) **ROUTE PLAN GUIDANCE.**—Within one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall—

(1) document existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier, and develop a framework for using a Geographic Information System-based approach to characterize routes in the National Hazardous Materials Route Registry;

(2) assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns;

(3) analyze current route-related hazardous materials regulations in the United States, Canada, and Mexico to identify cross-border differences and conflicting regulations;

(4) document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security vulnerabilities associated with hazardous material routes;

(5) prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security vulnerabilities when designating highway routes for hazardous materials consistent with the 13 safety-based non-radioactive materials routing criteria and radioactive materials routing criteria in Subpart C part 397 of title 49, Code of Federal Regulations;

(6) develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous material and assess specific security vulnerabilities associated with each route and explore alternative mitigation measures; and

(7) transmit to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure a report

on the actions taken to fulfill paragraphs (1) through (6) of this subsection and any recommended changes to the routing requirements for the highway transportation of hazardous materials in part 397 of title 49, Code of Federal Regulations.

(b) **ROUTE PLANS.**—

(1) **ASSESSMENT.**—Within one year after the date of enactment of this Act, the Secretary of Transportation shall complete an assessment of the safety and national security benefits achieved under existing requirements for route plans, in written or electronic format, for explosives and radioactive materials. The assessment shall, at a minimum—

(A) compare the percentage of Department of Transportation recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials for which such route plans are required with the percentage of recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials not subject to such route plans; and

(B) quantify the security and safety benefits, feasibility, and costs of requiring 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, follow, and carry such a 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, taking into account the various segments of the trucking industry, including tank truck, truckload and less than truckload carriers.

(2) **REPORT.**—Within one year after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the findings and conclusions of the assessment.

(c) **REQUIREMENT.**—The Secretary shall require motor carriers that have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry a route plan, in written or electronic format, 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 if the Secretary determines, under the assessment required in subsection (b), that such a requirement would enhance the security and safety of the nation without imposing unreasonable costs or burdens upon motor carriers.

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) **CONSIDERATIONS.**—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;

(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;

(C) evaluate—

(i) any new information related to the cost and benefits of deploying and utilizing truck tracking technology for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of truck tracking technology to resist tampering and disabling;

(iii) the capability of truck tracking technology to collect, display, and store information regarding the movements of shipments of high hazard materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials; and

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover security sensitive material in the event of loss or theft of such material.

(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 consider the development of 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 considering the development of 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, private for-profit and non-profit emergency response organizations, and commercial motor vehicle and hazardous material safety groups. Consideration of 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 to be considered 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 to be considered 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 if the system is established.

(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 whether to establish a national public sector response system and the estimated total public and private sector costs to establish and annually operate such a system, together with any recommendations for generating private sector participation and investment in the development and operation of such a 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 accessory 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 meas-

ures 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) \$12,000,000 for fiscal year 2007;
- (2) \$25,000,000 for fiscal year 2008; and
- (3) \$25,000,000 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 Transpor-

tation 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.

SEC. —109. TECHNICAL CORRECTIONS.

(a) HAZMAT LICENSES.—Section 5103a of title 49, United States Code, is amended—

(1) by inserting “of Homeland Security” each place it appears in subsections (a)(1), (d)(1)(b), and (e); and

(2) by redesignating subsection (h) as subsection (i) and inserting the following after subsection (g):

“(h) RELATIONSHIP TO TRANSPORTATION SECURITY CARDS.—Upon application, a State shall issue to an individual a license to operate a motor vehicle transporting in commerce a hazardous material without the security assessment required by this section, provided the individual meets all other applicable requirements for such a license, if the Secretary of Homeland Security has previously determined, under section 70105 of title 46, United States Code, that the individual does not pose a security risk.”

SA 4989. Ms. COLLINS (for herself and Mr. LIEBERMAN) 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. . INTEROPERABLE COMMUNICATIONS.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 331 et seq.) is amended—

(1) by inserting after the title heading the following:

“**Subtitle A—Preparedness and Response**”;

and

(2) by adding at the end the following:

“**Subtitle B—Emergency Communications**

“SEC. 551. DEFINITIONS.

“In this subtitle—

“(1) the term ‘Administrator’ means the Administrator of the Agency;

“(2) the term ‘Agency’ means the Federal Emergency Management Agency;

“(3) 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 among emergency response providers in those jurisdictions and with State and Federal officials; and

“(ii) includes the largest city in any metropolitan statistical area or metropolitan division, 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;

“(4) the term ‘emergency communications capabilities’ means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency response providers, emergency response agencies, and government officials from multiple disciplines and jurisdictions and at all levels of government, in the event of a natural or man-made disaster (including where there has been significant damage to, or destruction of, critical infrastructure (including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity));

“(5) the terms ‘interoperable emergency communications system’ and ‘communications interoperability’ mean the ability of emergency response providers and relevant Federal, State, and local government officials to—

“(A) communicate with each other as necessary, using information technology systems and radio communications systems; and

“(B) exchange voice, data, or video with each other on demand, in real time, as necessary;

“(6) the term ‘National Emergency Communications Strategy’ means the strategy established under section 553; and

“(7) the term ‘Office of Emergency Communications’ means the office established under section 552.

“SEC. 552. OFFICE OF EMERGENCY COMMUNICATIONS.

“(a) IN GENERAL.—There is established in the Agency an Office of Emergency Communications.

“(b) DIRECTOR.—The head of the Office of Emergency Communications shall be the Director for Emergency Communications. The Director shall report to the Assistant Secretary for Cybersecurity and Telecommunications.

“(c) RESPONSIBILITIES.—The Director for Emergency Communications shall—

“(1) assist the Secretary and the Administrator in developing and implementing the program described in section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1));

“(2) carry out the responsibilities and authorities of the Department relating to the

development and implementation of a strategy to achieve national communications interoperability and emergency communications capabilities and promulgating grant guidance for that purpose;

“(3) carry out the responsibilities under section 509;

“(4) conduct extensive, nationwide outreach and foster the development of emergency communications capabilities and interoperable communications systems by Federal, State, and local governments and public safety agencies, and by regional consortia thereof, by—

“(A) developing, updating, and implementing a national strategy to achieve emergency communications capabilities, with goals and timetables;

“(B) developing, updating, and implementing a national strategy to achieve communications interoperability, with goals and timetables;

“(C) developing a national architecture, which defines the components of an interoperable system and how the components are constructed;

“(D) establishing and maintaining a task force that represents the broad customer base of public safety agencies of State and local governments, and Federal agencies, involved in public safety disciplines such as law enforcement, firefighting, emergency medical services, public health, and disaster recovery, in order to receive input and coordinate efforts to achieve emergency communications capabilities and communications interoperability;

“(E) working with the Interoperable Communications Technical Assistance Program to provide technical assistance to State and local government officials;

“(F) promoting a greater understanding of the importance of emergency communications capabilities, communications interoperability, and the benefits of sharing resources among all levels of Federal, State, and local government;

“(G) promoting development of standard operating procedures for incident response and facilitating the sharing of information on best practices (including from governments abroad) for achieving emergency communications capabilities and communications interoperability;

“(H) making recommendations to Congress about any changes in Federal law necessary to remove barriers to achieving emergency communications capabilities and communications interoperability;

“(I) funding and conducting pilot programs, as necessary, in order to—

“(i) evaluate and validate technology concepts in real-world environments to achieve emergency communications capabilities and communications interoperability;

“(ii) encourage more efficient use of resources, including equipment and spectrum; and

“(iii) test and deploy public safety communications systems that are less prone to failure, support nonvoice services, consume less spectrum, and cost less;

“(J) liaising with the private sector to develop solutions to improve emergency communications capabilities and achieve communications interoperability;

“(K) using modeling and simulation for training exercises and command and control functions at the operational level; and

“(L) performing other functions necessary to improve emergency communications capabilities and achieve communications interoperability;

“(5) administer the responsibilities and authorities of the Department relating to the Integrated Wireless Network Program;

“(6) administer the responsibilities and authorities of the Department relating to the National Communications System;

“(7) administer the responsibilities and authorities of the Department related to the Emergency Alert System and the Integrated Public Alert and Warning System;

“(8) establish an effective, reliable, integrated, flexible, and comprehensive system to alert and warn the people of the United States in the event of a natural or man-made disaster;

“(9) administer the responsibilities and authorities of the Department relating to Office of Interoperability and Compatibility;

“(10) coordinate the establishment of a national response capability with initial and ongoing planning, implementation, and training for the deployment of backup communications services in the event of a catastrophic loss of local and regional emergency communications services;

“(11) assist the President, the National Security Council, the Homeland Security Council, the Director of the Office of Science and Technology Policy, and the Director of the Office of Management and Budget in ensuring emergency communications capabilities;

“(12) review, in consultation with the Assistant Secretary for Grants and Training, all interoperable emergency communications plans of Federal, State, and local governments, including Statewide and tactical interoperability plans; and

“(13) create an interactive database that contains an inventory of emergency communications assets maintained by the Federal Government and, where appropriate, State and local governments and the private sector, that—

“(A) can be deployed rapidly following a natural or man-made disaster to assist emergency response providers and State and local governments; and

“(B) includes land mobile radio systems, satellite phones, portable infrastructure equipment, backup power system equipment, and other appropriate equipment and systems.

“SEC. 553. NATIONAL EMERGENCY COMMUNICATIONS STRATEGY.

“(a) IN GENERAL.—Not later than 180 days after the completion of the baseline assessment under section 554, and in cooperation with State and local governments, Federal departments and agencies, emergency response providers, and the private sector, the Administrator, acting through the Director for Emergency Communications, shall develop a National Emergency Communications Strategy to achieve national emergency communications capabilities and interoperable emergency communications.

“(b) CONTENTS.—The National Emergency Communication Strategy shall—

“(1) include, in consultation with the National Institute of Standards and Technology, a process for expediting national voluntary consensus-based emergency communications equipment standards for the purchase and use by public safety agencies of interoperable emergency communications equipment and technologies;

“(2) identify the appropriate emergency communications capabilities and communications interoperability necessary for Federal, State, and local governments to operate during natural and man-made disasters;

“(3) address both short-term and long-term solutions to achieving Federal, State, and local government emergency communications capabilities and interoperable emergency communications systems, including provision of commercially available equipment that facilitates operability, interoperability, coordination, and integration among emergency communications systems;

“(4) identify how Federal departments and agencies that respond to natural or man-made disasters can work effectively with State and local governments, in all States, and with such other entities as are necessary to implement the strategy;

“(5) include measures to identify and overcome all obstacles to achieving interoperable emergency communications;

“(6) set goals and establish timetables for the development of an emergency, command-level communication system based on equipment available across the United States and a nationwide interoperable emergency communications system;

“(7) identify appropriate and reasonable measures public safety agencies should employ to ensure that their network infrastructure remains operable during a natural or man-made disaster;

“(8) include education of State and local government emergency response providers about the availability of backup emergency communications assets and their importance in planning for natural and man-made disasters;

“(9) identify, in consultation with the Federal Communications Commission, measures State and local governments should employ to ensure operability of 911, E911 and public safety answering points during natural and man-made disasters; and

“(10) include building the capability to adapt the distribution and content of emergency alerts on the basis of geographic location, risks, or personal user preferences, as appropriate.

“SEC. 554. ASSESSMENTS AND REPORTS.

“(a) BASELINE OPERABILITY AND INTEROPERABILITY ASSESSMENT.—Not later than June 1, 2007, and periodically thereafter, but not less frequently than every 5 years, the Administrator, acting through the Director for Emergency Communications, shall conduct an assessment of Federal, State, and local governments to—

“(1) define the range of emergency communications capabilities and communications interoperability needed for specific events;

“(2) assess the capabilities to meet such communications needs;

“(3) determine the degree to which necessary emergency communications capabilities and communications interoperability have been achieved;

“(4) ascertain the needs that remain for communications interoperability to be achieved;

“(5) assess the ability of communities to provide and maintain emergency communications capabilities and communications interoperability among emergency response providers, and government officials in the event of a natural or man-made disaster, including when there is substantial damage to ordinary communications infrastructure or a sustained loss of electricity;

“(6) include a national interoperable emergency communication inventory that—

“(A) identifies for each Federal department and agency—

“(i) the channels and frequencies used;

“(ii) the nomenclature used to refer to each channel or frequency used; and

“(iii) the types of communications system and equipment used;

“(B) identifies the interoperable emergency communication systems in use for public safety systems in the United States; and

“(C) provides a listing of public safety mutual aid channels in operation and their ability to connect to an interoperable emergency communications system; and

“(7) compile a list of best practices among communities for providing and maintaining emergency communications capabilities and

communications interoperability in the event of a natural or man-made disaster.

“(b) **MOBILE COMMUNICATIONS.**—The Administrator, acting through the Director of Emergency Communications, shall evaluate the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of a natural or man-made disaster.

“(c) **ANNUAL REPORT.**—Not later than 1 year after the date of enactment of the Port Security Improvements Act of 2006, and annually thereafter until the date that is 10 years after such date, the Administrator, acting through the Director for Emergency Communications, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress of the Department in implementing and achieving the goals of this subtitle, including a description of the findings of the most recent nationwide assessment conducted under subsection (a).

“SEC. 555. COORDINATION OF FEDERAL EMERGENCY COMMUNICATIONS GRANT PROGRAMS.

“(a) **ASSESSMENT OF GRANTS AND STANDARDS PROGRAMS.**—The Secretary, acting through the Director for Emergency Communications, in coordination with other Federal departments and agencies, shall review Federal emergency communications grants and standards programs across the Federal government to—

“(1) integrate and coordinate Federal grant guidelines for the use of Federal assistance relating to interoperable emergency communications and emergency communications capabilities;

“(2) assess and make recommendations to ensure that such guidelines are consistent across the Federal Government; and

“(3) assess and make recommendations to ensure conformity with the goals and objectives identified in the National Emergency Communications Strategy.

“(b) **DENIAL OF ELIGIBILITY FOR GRANTS.**—

“(1) **IN GENERAL.**—The Secretary may prohibit any State or local government from using Federal homeland security assistance administered by the Department to achieve, maintain, or enhance interoperable emergency communications capabilities if—

“(A) such government has not complied with the requirement to submit a Statewide Interoperable Communications Plan under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f));

“(B) the State or local government has not taken adequate steps to maintain operability of network infrastructure in order to prepare for a natural or man-made disaster; or

“(C) a grant request does not comply with interoperable communications equipment standards, after those standards have been developed through a voluntary consensus-based process or are promulgated under the authority under paragraph (2).

“(2) **STANDARDS.**—If the Secretary determines that inadequate progress is being made on the completion of voluntary consensus-based interoperable communications equipment standards, the Secretary may promulgate such standards and include them in interoperable communications grant guidance.

“SEC. 556. EMERGENCY COMMUNICATIONS INTEROPERABILITY RESEARCH AND DEVELOPMENT.

“(a) **IN GENERAL.**—The Secretary shall establish a comprehensive research and devel-

opment program to promote emergency communications capabilities and communications interoperability among emergency response providers, including by promoting research on a competitive basis through the Directorate of Science and Technology Homeland Security Advanced Research Projects Agency.

“(b) **PURPOSES.**—The purposes of the program established under subsection (a) include—

“(1) understanding the strengths and weaknesses of the diverse public safety communications systems;

“(2) examining how current and emerging technology can make public safety organizations more effective, and how Federal, State, and local government agencies can use this technology in a coherent and cost-effective manner;

“(3) exploring Federal, State, and local government policies that shall move systematically towards long-term solutions;

“(4) evaluating and validating technology concepts, and promoting the deployment of advanced public safety information technologies for emergency communications capabilities and communications interoperability; and

“(5) advancing the creation of a national strategy to enhance emergency communications capabilities, promote communications interoperability and efficient use of spectrum in communications systems, improve information sharing across organizations, and use advanced information technology to increase the effectiveness of emergency response providers in valuable new ways.

“SEC. 557. EMERGENCY COMMUNICATIONS PILOT PROJECTS.

“(a) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of the Port Security Improvements Act of 2006, the Administrator shall establish not fewer than 2 pilot projects to develop and evaluate strategies and technologies for providing and maintaining emergency communications capabilities and communications interoperability among emergency response providers and government officials in the event of a natural or man-made disaster in which there is significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity.

“(2) **INTEROPERABLE DATA COMMUNICATIONS.**—Not less than 1 pilot project under this section shall involve the development of interoperable data communications, including medical and victim information, so that this information can be shared among emergency response providers, as needed, at all levels of government, and in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-91; 110 Stat. 1936).

“(b) **SELECTION CRITERIA.**—In selecting areas for the location of the pilot projects under this section, the Administrator shall consider—

“(1) the risk to the area from a large-scale terrorist attack or natural disaster;

“(2) the number of potential victims from a large-scale terrorist attack or natural disaster in the area;

“(3) the capabilities of the emergency communications systems of the area and capabilities for the development of modeling and simulation training and command and control functions; and

“(4) such other criteria as the Administrator may determine appropriate.

“SEC. 558. EMERGENCY COMMUNICATIONS AND INTEROPERABILITY GRANTS.

“(a) **IN GENERAL.**—The Administrator, through the Office of the Grants and Train-

ing, shall make grants to States and eligible regions 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.**—Grants awarded under subsection (a) may be used for initiatives to achieve short-term or long-term solutions for emergency communications capabilities and communications 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) exercises;

“(5) modeling and simulation exercises for operational command and control functions;

“(6) other activities determined by the Administrator to be integral to the achievement of emergency communications capabilities and communications interoperability; and

“(7) technical assistance and training.

“(c) **COORDINATION.**—The Administrator shall ensure that the Office of Grants and Training coordinates its activities with the Office of Emergency Communications, the Directorate of Science and Technology and other Federal entities so that grants awarded under this section, and other grant programs related to homeland security, fulfill the purposes of this section and facilitate the achievement of emergency communications capabilities and communications interoperability consistent with the national strategy.

“(d) **APPLICATION.**—

“(1) **IN GENERAL.**—A State or eligible region desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

“(2) **MINIMUM CONTENTS.**—At a minimum, each application submitted under paragraph (1) shall—

“(A) identify the critical aspects of the communications life cycle, including planning, system design and engineering, procurement and installation, and training for which funding is requested;

“(B) describe how—

“(i) the proposed use of funds would be consistent with and address the goals in any applicable State homeland security plan, and, unless the Secretary determines otherwise, is consistent with the national strategy and architecture; and

“(ii) the applicant intends to spend funds under the grant, to administer such funds, and to allocate such funds among any participating local governments; and

“(C) be consistent with the Interoperable Communications Plan required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

“(e) **STATE REVIEW AND SUBMISSION.**—

“(1) **IN GENERAL.**—To ensure consistency with State homeland security plans, an eligible region applying for a grant under this section shall submit its application to each State within which any part of the eligible region is located for review before submission of such application to the Administrator.

“(2) **DEADLINE.**—Not later than 30 days after receiving an application from an eligible region under paragraph (1), each such State shall transmit the application to the Administrator.

“(3) **STATE DISAGREEMENT.**—If the Governor of any such State determines that a regional

application is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

“(A) notify the Administrator in writing of that fact; and

“(B) provide an explanation of the reasons for not supporting the application at the time of transmission of the application.

“(f) AWARD OF GRANTS.—

“(1) CONSIDERATIONS.—In approving applications and awarding grants under this section, the Administrator shall consider—

“(A) the nature of the threat to the State or eligible region from natural or man-made disasters;

“(B) the location, risk, or vulnerability of critical infrastructure and key national assets, including the consequences from damage to critical infrastructure in nearby jurisdictions as a result of a natural or man-made disaster;

“(C) the size of the population, and the population density of the area, that will be served by the interoperable emergency communications systems, except that the Secretary shall not establish a minimum population requirement that would disqualify from consideration an area that otherwise faces significant threats, vulnerabilities, or consequences from a natural or man-made disaster;

“(D) the extent to which grants will be used to implement emergency communications and interoperability solutions—

“(i) consistent with the national strategy and compatible with national infrastructure and equipment standards; and

“(ii) more efficient and cost effective than current approaches;

“(E) the number of jurisdictions within regions participating in the development of emergency communications capabilities and interoperable emergency communications systems, including the extent to which the application includes all incorporated municipalities, counties, parishes, and tribal governments within the State or eligible region, and their coordination with Federal and State agencies;

“(F) the extent to which a grant would expedite the achievement of emergency communications capabilities and communications interoperability in the State or eligible region with Federal, State, and local government agencies;

“(G) the extent to which a State or eligible region, given its financial capability, demonstrates its commitment to expeditiously achieving emergency communications capabilities and communications interoperability by supplementing Federal funds with non-Federal funds;

“(H) whether the State or eligible region is on or near an international border;

“(I) whether the State or eligible region encompasses an economically significant border crossing;

“(J) whether the State or eligible region has a coastline bordering an ocean or international waters including the Great Lakes;

“(K) the extent to which geographic barriers pose unusual obstacles to achieving emergency communications capabilities or communications interoperability;

“(L) the threats, vulnerabilities, and consequences faced by the State or eligible region related to at-risk sites or activities in nearby jurisdictions, including the need to respond to natural or man-made disasters arising in those jurisdictions;

“(M) the need to achieve nationwide emergency communications capabilities and communications interoperability, consistent with the national strategies;

“(N) the extent to which the State has formulated a State executive interoperability

committee or conducted similar statewide planning efforts;

“(O) whether the activity for which a grant requested is being funded under another homeland security grant program; and

“(P) such other factors as are specified by the Secretary in writing.

“(2) REVIEW PANEL.—

“(A) IN GENERAL.—The Secretary shall establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

“(B) RECOMMENDATIONS.—The review panel established under subparagraph (A) shall make recommendations to the Administrator regarding applications for grants under this section.

“(C) MEMBERSHIP.—The review panel established under subparagraph (A) shall include individuals with technical expertise in emergency communications and communications interoperability and emergency response providers and other relevant State and local government officials.

“(3) AVAILABILITY OF FUNDS.—Any grant funds awarded that may be used to support emergency communications capabilities or communications interoperability shall, as the Administrator may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(e)).”

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subtitle B of title V of the Homeland Security Act of 2002, as added by this Act—

(1) \$400,000,000 for each of fiscal years 2007 through 2011; and

(2) such sums as are necessary for each fiscal year thereafter.

(c) CONFORMING AMENDMENTS RELATING TO INTELLIGENCE REFORM.—Section 7303(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) INTEROPERABLE EMERGENCY COMMUNICATIONS SYSTEM AND COMMUNICATIONS INTEROPERABILITY.—The terms ‘interoperable emergency communications system’ and ‘communications interoperability’ mean the ability of emergency response providers and relevant Federal, State, and local government agencies to—

“(A) communicate with each other as necessary, using information technology systems and radio communications systems; and

“(B) exchange voice, data, or video with each other on demand, in real time, as necessary.”; and

(2) by adding at the end the following:

“(3) EMERGENCY COMMUNICATIONS CAPABILITIES.—The term ‘emergency communications capabilities’ means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency responders, agencies, and government officials from multiple disciplines and jurisdictions and at all levels of government in the event of a natural disaster, terrorist attack, or other large-scale or catastrophic emergency, including where there has been significant damage to, or destruction of, critical infrastructure, substantial loss of ordinary telecommunications infrastructure, and sustained loss of electricity.”

(d) BORDER INTEROPERABILITY DEMONSTRATION PROJECTS.—

(1) DEFINITIONS.—In this subsection—

(A) the term “demonstration project” means a demonstration project established under paragraph (2)(A); and

(B) the term “interoperable emergency communications system” has the meaning given that term in section 551 of the Homeland Security Act of 2002, as added by this Act.

(2) IN GENERAL.—

(A) ESTABLISHMENT.—There is established in the Department an “International Border Community Interoperable Communications Demonstration Project”.

(B) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 6 communities to participate in a demonstration project.

(C) LOCATION OF COMMUNITIES.—Not fewer than 3 of the communities selected under subparagraph (B) shall be located on the northern border of the United States and not fewer than 3 of the communities selected under subparagraph (B) shall be located on the southern border of the United States.

(3) PROJECT REQUIREMENTS.—A demonstration project shall—

(A) address the interoperable emergency communications system needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers;

(B) foster interoperable emergency communications systems—

(i) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to terrorist attacks or other catastrophic events; and

(ii) with similar agencies in Canada or Mexico;

(C) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(D) foster the standardization of equipment for interoperable emergency communications systems;

(E) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(F) ensure that emergency response providers can communicate with each other and the public at disaster sites;

(G) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(H) identify and secure appropriate joint-use equipment to ensure communications access.

(4) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall distribute funds under this subsection to each community participating in a demonstration project through the State, or States, in which each community is located.

(B) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under subparagraph (A), a State receiving funds under this subsection shall make the funds available to the local governments and emergency response providers selected by the Secretary to participate in a demonstration project.

(5) REPORTING.—Not later than December 31, 2007, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects.

(e) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by redesignating the section 510 relating to urban and other high risk area communications capabilities as section 511.

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) by inserting before the item relating to section 501 the following:

“Subtitle A—Preparedness and Response”;

and

(B) by adding after the item relating to section 509 the following:

“Sec. 510. Procurement of security countermeasures for strategic national stockpile.

“Sec. 511. Urban and other high risk area communications capabilities.

“Subtitle B—Emergency Communications

“Sec. 551. Definitions.

“Sec. 552. Office of Emergency Communications.

“Sec. 553. National Emergency Communications Strategy.

“Sec. 554. Assessments and reports.

“Sec. 555. Coordination of Federal emergency communications grant programs.

“Sec. 556. Emergency communications interoperability research and development.

“Sec. 557. Emergency communications pilot projects.

“Sec. 558. Emergency communications and interoperability grants.”.

SA 4990. Mr. SANTORUM 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 87, after line 18, add the following:

SEC. 501. SHORT TITLE.

This title may be cited as the “Border Security First Act of 2006”.

SEC. 502. REFERENCE TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 503. DEFINITIONS.

In this title:

(1) DEPARTMENT.—Except as otherwise provided, the term “Department” means the Department of Homeland Security.

(2) SECRETARY.—Except as otherwise provided, the term “Secretary” means the Secretary of Homeland Security.

SEC. 504. SEVERABILITY.

If any provision of this title, any amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any other person or circumstance shall not be affected by such holding.

Subtitle A—Border Enforcement

CHAPTER 1—ASSETS FOR CONTROLLING UNITED STATES BORDERS

SEC. 511. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) PORT OF ENTRY INSPECTORS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(2) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3734) is amended by striking “800” and inserting “1000”.

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(3) DEPUTY UNITED STATES MARSHALS.—In each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that investigate criminal matters related to immigration.

(4) RECRUITMENT OF FORMER MILITARY PERSONNEL.—

(A) IN GENERAL.—The Commissioner of United States Customs and Border Protection, in conjunction with the Secretary of Defense or a designee of the Secretary of Defense, shall establish a program to actively recruit members of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have elected to separate from active duty.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report on the implementation of the recruitment program established pursuant to subparagraph (A) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PORT OF ENTRY INSPECTORS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a)(1).

(2) DEPUTY UNITED STATES MARSHALS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a)(3).

(3) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

“**SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.**

“(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by—

- “(1) 2,000 in fiscal year 2006;
- “(2) 2,400 in fiscal year 2007;
- “(3) 2,400 in fiscal year 2008;
- “(4) 2,400 in fiscal year 2009;
- “(5) 2,400 in fiscal year 2010; and
- “(6) 2,400 in fiscal year 2011.

“(b) NORTHERN BORDER.—In each of the fiscal years 2006 through 2011, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal

years 2007 through 2011 to carry out this section.”.

SEC. 512. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a “virtual fence” along such international borders to provide a barrier to illegal immigration.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(e) UNMANNED AERIAL VEHICLE PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(f) CONSTRUCTION.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 513. INFRASTRUCTURE.

(a) CONSTRUCTION OF BORDER CONTROL FACILITIES.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 514. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international border between the United States and Mexico.

SEC. 515. PORTS OF ENTRY.

The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 516. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector; and

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) OTHER HIGH TRAFFICKED AREAS.—The Secretary shall construct not less than 370 miles of triple-layered fencing which may include portions already constructed in San Diego, Tucson, and Yuma Sectors, and 500 miles of vehicle barriers in other areas along the southwest border that the Secretary determines are areas that are most often used by smugglers and illegal aliens attempting to gain illegal entry into the United States.

(d) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a), (b), and (c) and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a), (b), and (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

CHAPTER 2—BORDER SECURITY PLANS, STRATEGIES, AND REPORTS

SEC. 521. SURVEILLANCE PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 522. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 521.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, non-governmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 521 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 523. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:

(1) SECURITY CLEARANCES AND DOCUMENT INTEGRITY.—The progress made toward the development of common enrollment, security,

technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

- (i) passports;
- (ii) visas; and
- (iii) permanent resident cards;

(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.

(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

- (i) application process;
- (ii) interview policy;
- (iii) general screening procedures;
- (iv) visa validity;
- (v) quality control measures; and
- (vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;

(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance for programs and systems to support advanced automated reporting and risk targeting of international passengers;

(F) in sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual who applies for a visa.

(4) NORTH AMERICAN VISITOR OVERSTAY PROGRAM.—The progress made by Canada and

the United States in implementing parallel entry-exit tracking systems that, while respecting the privacy laws of both countries, share information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

(5) TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(6) MONEY LAUNDERING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving information sharing and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, alien smuggling, and trafficking in alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan;

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating a joint threat assessment on organized crime between Mexico and the United States;

(F) in developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) in developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

(7) LAW ENFORCEMENT COOPERATION.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with known and suspected criminals or terrorists, including exploring the formation of law enforcement teams that include personnel from the United States and Mexico, and appropriate procedures for such teams.

SEC. 524. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate officials of the Government of Mexico to establish a program—

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and

Belize from Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to promote issuance of secure passports and travel documents by such countries; and

(4) to encourage Guatemala and Belize—

(A) to control alien smuggling and trafficking;

(B) to prevent the use and manufacture of fraudulent travel documents; and

(C) to share relevant information with Mexico, Canada, and the United States.

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize that specifically addresses immigration issues to increase the ability of the Government of Guatemala to dismantle human smuggling organizations and gain additional control over the international border between Guatemala and Belize; and

(2) with the appropriate officials of the Government of Belize, the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—

(1) to assess the direct and indirect impact on the United States and Central America of deporting violent criminal aliens;

(2) to establish a program and database to track individuals involved in Central American gang activities;

(3) to develop a mechanism that is acceptable to the governments of Belize, Guatemala, Mexico, the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country prior to the deportation and to provide support for the reintegration of such deportees into that country; and

(4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

(d) LIMITATIONS ON ASSISTANCE.—Any funds made available to carry out this section shall be subject to the limitations contained in section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006 (Public Law 109-102; 119 Stat. 2218).

SEC. 525. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures with the Secretary of State to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combat human smuggling.

(C) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(D) SAVINGS PROVISION.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

SEC. 526. DEATHS AT UNITED STATES-MEXICO BORDER.

(A) COLLECTION OF STATISTICS.—The Commissioner of the Bureau of Customs and Border Protection shall collect statistics relating to deaths occurring at the border between the United States and Mexico, including—

(1) the causes of the deaths; and

(2) the total number of deaths.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of the Bureau of Customs and Border Protection shall submit to the Secretary a report that—

(1) analyzes trends with respect to the statistics collected under subsection (a) during the preceding year; and

(2) recommends actions to reduce the deaths described in subsection (a).

CHAPTER 3—OTHER BORDER SECURITY INITIATIVES

SEC. 531. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 532. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all border patrol agents conducting operations between ports of entry;

(2) between border patrol agents and their respective border patrol stations;

(3) between border patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 533. BORDER PATROL TRAINING CAPACITY REVIEW.

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to border patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(B) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new border patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new border patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of border patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a border patrol agent.

SEC. 534. US-VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 535. DOCUMENT FRAUD DETECTION.

(A) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(B) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(C) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 536. IMPROVED DOCUMENT INTEGRITY.

(A) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”;

(2) in the heading, by striking “ENTRY AND EXIT DOCUMENTS” and inserting “TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS”;

(3) in subsection (b)(1)—

(A) by striking “Not later than October 26, 2004, the” and inserting “The”; and

(B) by striking “visas and” both places it appears and inserting “visas, evidence of status, and”;

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

“(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.”.

SEC. 537. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(B) by inserting “and any other non-immigrant visa issued by the United States that is in the possession of the alien” after “such visa”; and

(2) in paragraph (2)(A), by striking “(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality” and inserting “(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence”.

SEC. 538. BIOMETRIC ENTRY-EXIT SYSTEM.

(A) COLLECTION OF BIOMETRIC DATA FROM ALIENS DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

“(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.”.

(B) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:

“(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

“(A) any applicant for admission or alien seeking to transit through the United States; or

“(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).”.

(C) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—Section 252 (8 U.S.C. 1282)

is amended by adding at the end the following:

“(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.”.

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

“(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible.”; and

(2) in subsection (d), by inserting after paragraph (1) the following:

“(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.”.

(e) IMPLEMENTATION.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

“(3) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register.”; and

(2) in subsection (1)—

(A) by striking “There are authorized” and inserting the following:

“(1) IN GENERAL.—There are authorized”;

and

(B) by adding at the end the following:

“(2) IMPLEMENTATION AT ALL LAND BORDER PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 and 2008 to implement the automated biometric entry and exit data system at all land border ports of entry.”.

SEC. 539. BORDER STUDY.

(a) SOUTHERN BORDER STUDY.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States.

(b) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study described in subsection (a).

SEC. 540. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative having a value of more than \$20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines. The Inspector General shall complete a review under this subsection with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) INSPECTOR GENERAL.—

(1) ACTION.—If the Inspector General becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) REPORT.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high-risk business practices.

(c) REPORTS BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) CONTRACTS WITH FOREIGN COMPANIES.—Not later than 60 days after the initiation of each contract action with a company whose headquarters is not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(d) REPORTS ON UNITED STATES PORTS.—Not later than 30 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Committee on Foreign Investment in the United States shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out this section—

(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

SEC. 541. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) IN GENERAL.—Beginning on October 1, 2007, an alien (other than a national of Mexico) who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land and maritime border of the United States shall be detained until re-

moved or a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is paroled into the United States by the Secretary for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) REQUIREMENTS DURING INTERIM PERIOD.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2007, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than \$5,000.

(c) RULES OF CONSTRUCTION.—

(1) ASYLUM AND REMOVAL.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) TREATMENT OF CERTAIN ALIENS.—The mandatory detention requirement in subsection (a) does not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(3) DISCRETION.—Nothing in this section shall be construed as limiting the authority of the Secretary, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

SEC. 542. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

“§ 555. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

“(a) PROHIBITION.—A person shall be punished as described in subsection (b) if such person attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint.

“(b) PENALTIES.—A person who commits an offense described in subsection (a) shall be—

“(1) fined under this title;

“(2)(A) imprisoned for not more than 3 years, or both;

“(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury (as defined in section 1365(g) of this title); or

“(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or

“(3) both fined and imprisoned under this subsection.

“(c) CONSPIRACY.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

“(d) PRIMA FACIE EVIDENCE.—For the purposes of seizure and forfeiture under applicable law, in the case of use of a vehicle or other conveyance in the commission of this offense, or in the case of disregarding or disobeying the lawful authority or command of any officer or employee of the United States under section 111(b), such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

“555. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements”.

(c) FAILURE TO OBEY BORDER ENFORCEMENT OFFICERS.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

“(c) FAILURE TO OBEY LAWFUL ORDERS OF BORDER ENFORCEMENT OFFICERS.—Whoever willfully disregards or disobeys the lawful authority or command of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties shall be fined under this title or imprisoned for not more than 5 years, or both.”.

SEC. 543. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—

(1) ANNUAL TRAINING DUTY.—With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized in subsection (b), for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) OTHER SUPPORT.—With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are any of the following:

- (1) Ground reconnaissance activities.
- (2) Airborne reconnaissance activities.
- (3) Logistical support.
- (4) Provision of translation services and training.
- (5) Administrative support services.
- (6) Technical training services.
- (7) Emergency medical assistance and services.
- (8) Communications services.
- (9) Rescue of aliens in peril.
- (10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(1) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary shall, in consultation with the Sec-

retary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) DEFINITIONS.—In this section:

(1) GOVERNOR OF A STATE.—The term “Governor of a State” means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) STATE ALONG THE SOUTHERN BORDER OF THE UNITED STATES.—The term “State along the southern border of the United States” means each of the following:

- (A) The State of Arizona.
- (B) The State of California.
- (C) The State of New Mexico.
- (D) The State of Texas.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

(h) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under the authority of this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

SEC. 544. REPORT ON INCENTIVES TO ENCOURAGE CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES TO SERVE IN THE BUREAU OF CUSTOMS AND BORDER PROTECTION.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report assessing the desirability and feasibility of offering incentives to covered members and former members of the Armed Forces for the purpose of encouraging such members to serve in the Bureau of Customs and Border Protection.

(b) COVERED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—For purposes of this section, covered members and former members of the Armed Forces are the following:

- (1) Members of the reserve components of the Armed Forces.
- (2) Former members of the Armed Forces within 2 years of separation from service in the Armed Forces.

(c) REQUIREMENTS AND LIMITATIONS.—

(1) NATURE OF INCENTIVES.—In considering incentives for purposes of the report required by subsection (a), the Secretaries shall consider such incentives, whether monetary or otherwise and whether or not authorized by current law or regulations, as the Secretaries jointly consider appropriate.

(2) TARGETING OF INCENTIVES.—In assessing any incentive for purposes of the report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces who have provided border patrol or border security assistance to the Bureau as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of train-

ing, required for service with the Bureau of Customs and Border Protection.

(3) PAYMENT.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department.

(d) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of various monetary and non-monetary incentives considered for purposes of the report.

(2) An assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces described in subsection (c)(2).

(3) Any other matters that the Secretaries jointly consider appropriate.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

- (1) the Committees on Armed Services, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and
- (2) the Committees on Armed Services, Homeland Security, and Appropriations of the House of Representatives.

CHAPTER 4—BORDER TUNNEL PREVENTION ACT

SEC. 546. SHORT TITLE.

This chapter may be cited as the “Border Tunnel Prevention Act”.

SEC. 547. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, as amended by section 542, is further amended by adding at the end the following:

“§ 556. Border tunnels and passages

“(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

“(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

“(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, as amended by section 542, is further amended by adding at the end the following:

“Sec. 556. Border tunnels and passages”.

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting “556,” before “1425.”.

SEC. 548. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States

Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 556 of title 18, United States Code, as added by section 547.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 556 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

CHAPTER 5—RAPID RESPONSE MEASURES

SEC. 551. DEPLOYMENT OF BORDER PATROL AGENTS.

(a) EMERGENCY DEPLOYMENT OF BORDER PATROL AGENTS.—

(1) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States border patrol agents (referred to in this chapter as “agents”) from the Secretary, the Secretary, subject to paragraphs (1) and (2), may provide the State with not more than 1,000 additional agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border into the United States at any location other than an authorized port of entry.

(2) CONSULTATION.—Upon receiving a request for agents under paragraph (1), the Secretary, after consultation with the President, shall grant such request to the extent that providing such agents will not significantly impair the Department's ability to provide border security for any other State.

(3) COLLECTIVE BARGAINING.—Emergency deployments under this subsection shall be made in accordance with all applicable collective bargaining agreements and obligations.

(b) ELIMINATION OF FIXED DEPLOYMENT OF BORDER PATROL AGENTS.—The Secretary shall ensure that agents are not precluded from performing patrol duties and apprehending violators of law, except in unusual circumstances if the temporary use of fixed deployment positions is necessary.

(c) INCREASE IN FULL-TIME BORDER PATROL AGENTS.—Section 5202(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734), as amended by section 511(b)(2), is further amended by striking “2,000” and inserting “3,000”.

SEC. 552. BORDER PATROL MAJOR ASSETS.

(a) CONTROL OF BORDER PATROL ASSETS.—The United States Border Patrol shall have complete and exclusive administrative and operational control over all the assets uti-

lized in carrying out its mission, including, aircraft, watercraft, vehicles, detention space, transportation, and all of the personnel associated with such assets.

(b) HELICOPTERS AND POWER BOATS.—

(1) HELICOPTERS.—The Secretary shall increase, by not less than 100, the number of helicopters under the control of the United States Border Patrol. The Secretary shall ensure that appropriate types of helicopters are procured for the various missions being performed.

(2) POWER BOATS.—The Secretary shall increase, by not less than 250, the number of power boats under the control of the United States Border Patrol. The Secretary shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(3) USE AND TRAINING.—The Secretary shall—

(A) establish an overall policy on how the helicopters and power boats procured under this subsection will be used; and

(B) implement training programs for the agents who use such assets, including safe operating procedures and rescue operations.

(c) MOTOR VEHICLES.—

(1) QUANTITY.—The Secretary shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of not less than 1 police-type vehicle for every 3 agents. These police-type vehicles shall be replaced not less than every 3 years. The Secretary shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol.

(2) FEATURES.—All motor vehicles purchased for the United States Border Patrol shall—

(A) be appropriate for the mission of the United States Border Patrol; and

(B) have a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

SEC. 553. ELECTRONIC EQUIPMENT.

(a) PORTABLE COMPUTERS.—The Secretary shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

(b) RADIO COMMUNICATIONS.—The Secretary shall augment the existing radio communications system so that all law enforcement personnel working in each area where United States Border Patrol operations are conducted have clear and encrypted 2-way radio communication capabilities at all times. Each portable communications device shall be equipped with a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

(c) HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.—The Secretary shall ensure that each United States Border Patrol agent is issued a state-of-the-art hand-held global positioning system device for navigational purposes.

(d) NIGHT VISION EQUIPMENT.—The Secretary shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and maintained to enable each United States Border Patrol agent working during the hours of darkness to be equipped with a portable night vision device.

SEC. 554. PERSONAL EQUIPMENT.

(a) BODY ARMOR.—The Secretary shall ensure that every agent is issued high-quality body armor that is appropriate for the climate and risks faced by the agent. Each

agent shall be permitted to select from among a variety of approved brands and styles. Agents shall be strongly encouraged, but not required, to wear such body armor whenever practicable. All body armor shall be replaced not less than every 5 years.

(b) WEAPONS.—The Secretary shall ensure that agents are equipped with weapons that are reliable and effective to protect themselves, their fellow agents, and innocent third parties from the threats posed by armed criminals. The Secretary shall ensure that the policies of the Department authorize all agents to carry weapons that are suited to the potential threats that they face.

(c) UNIFORMS.—The Secretary shall ensure that all agents are provided with all necessary uniform items, including outerwear suited to the climate, footwear, belts, holsters, and personal protective equipment, at no cost to such agents. Such items shall be replaced at no cost to such agents as they become worn, unserviceable, or no longer fit properly.

SEC. 555. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this chapter.

Subtitle B—Border Law Enforcement Relief CHAPTER 1—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. 561. SHORT TITLE.

This chapter may be cited as the “Border Law Enforcement Relief Act of 2006”.

SEC. 562. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed \$89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with

Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region.

SEC. 563. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term “eligible law enforcement agency” means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term “High Impact Area” means any county designated

by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) $\frac{3}{4}$ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) $\frac{1}{4}$ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this subtitle.

SEC. 564. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this chapter shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

CHAPTER 2—ADDITIONAL LAW ENFORCEMENT RELIEF

SEC. 571. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) REIMBURSEMENT FOR COSTS ASSOCIATED WITH PROCESSING CRIMINAL ILLEGAL ALIENS.—The Secretary shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) court costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROCESSING CRIMINAL ILLEGAL ALIENS.—There are authorized to be appropriated \$400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) COMPENSATION UPON REQUEST.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

“(5) There are authorized to be appropriated to carry this subsection—

“(A) such sums as may be necessary for fiscal year 2007;

“(B) \$750,000,000 for fiscal year 2008;

“(C) \$850,000,000 for fiscal year 2009; and

“(D) \$950,000,000 for each of the fiscal years 2010 through 2012.”

(c) TECHNICAL AMENDMENT.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”.

SEC. 572. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The Secretary shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such

sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 573. EXPEDITED REMOVAL OF CRIMINAL ALIENS.

(a) IN GENERAL.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting “EXPEDITED REMOVAL OF CRIMINAL ALIENS”;

(2) in subsection (a), by striking the subsection heading and inserting: “EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—”;

(3) in subsection (b), by striking the subsection heading and inserting: “REMOVAL OF CRIMINAL ALIENS.—”;

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

“(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

“(A) has not been lawfully admitted to the United States for permanent residence; and

“(B) was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).”;

(5) in the subsection (c) that relates to presumption of deportability, by striking “convicted of an aggravated felony” and inserting “described in subsection (b)(2)”;

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking “, who is deportable under this Act.”.

(b) APPLICATION TO CERTAIN ALIENS.—

(1) IN GENERAL.—Section 235(b)(1)(A)(iii) (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking “Attorney General” and inserting “Secretary of Homeland Security” each place it appears; and

(B) by adding at the end the following new subclause:

“(III) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.”.

(2) EXCEPTION.—Section 235(b)(1)(F) (8 U.S.C. 1225(b)(1)(F)) is amended to read as follows:

“(F) EXCEPTION.—Subparagraph (A) shall not apply to an alien—

“(i) who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations; and

“(ii) who—

“(I) arrives by aircraft at a port of entry;

or

“(II) is present in the United States and arrived in any manner at or between a port of entry.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 574. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURE AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, at least 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 20,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States subject to available appropriations.

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a), subject to available appropriations.

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking “may expend” and inserting “shall expend”.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 575. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) INITIATIVE REQUIRED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall establish and carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred.

(2) RELATION WITH SOUTHWESTERN BORDER PROSECUTION INITIATIVE.—The program established in paragraph (1) shall—

(A) be modeled after the Southwestern Border Prosecution Initiative; and

(B) serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program established in subsection (a) shall be—

(1) provided in the form of direct reimbursements; and

(2) allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) USE OF FUNDS.—Funds provided to an eligible northern border entity under this section may be used by the entity for any lawful purpose, including:

- (1) prosecution and related costs;
- (2) court costs;
- (3) costs of courtroom technology;
- (4) costs of constructing holding spaces;
- (5) costs of administrative staff;
- (6) costs of defense counsel for indigent defendants; and
- (7) detention costs, including pretrial and posttrial detention.

(d) DEFINITIONS.—In this section:

(1) CASE DISPOSITION.—The term “case disposition”—

(A) for purposes of the Northern Border Prosecution Initiative, refers to the time between the arrest of a suspect and the resolution of the criminal charges through a county or State judicial or prosecutorial process; and

(B) does not include incarceration time for sentenced offenders or time spent by prosecutors on judicial appeals.

(2) ELIGIBLE NORTHERN BORDER ENTITY.—The term “eligible northern border entity” means—

(A) the States of Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(3) FEDERALLY DECLINED-REFERRED.—The term “federally declined-referred”—

(A) means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer such investigation to a State or local jurisdiction for possible prosecution; and

(B) includes a decision made on a case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) FEDERALLY INITIATED.—The term “federally initiated” means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$28,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years thereafter.

SEC. 576. SOUTHWEST BORDER PROSECUTION INITIATIVE.

(a) REIMBURSEMENT TO STATE AND LOCAL PROSECUTORS FOR PROSECUTING FEDERALLY INITIATED DRUG CASES.—The Attorney General shall, subject to the availability of appropriations, reimburse Southern Border State and county prosecutors for prosecuting federally initiated and referred drug cases.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$50,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

SEC. 577. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following:

“SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

“(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including transporting across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

“(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

“(c) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

“(1) shall—

“(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

“(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

“(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

“(I) the conclusion of the State charging process or dismissal process; or

“(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

“(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

“(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

“(d) REIMBURSEMENT.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

“(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be the sum of—

“(A) the product of—

“(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a

State (or, as appropriate, a political subdivision of the State); multiplied by

“(ii) the number of days that the alien was in the custody of the State or political subdivision;

“(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; and

“(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

“(e) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

“(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

“(2) aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities, if practicable.

“(f) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

“(g) AUTHORITY FOR CONTRACTS.—

“(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

“(2) DETERMINATION BY SECRETARY.—Before entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.”

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated \$850,000,000 for fiscal year 2007 and for each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

Subtitle C—Border Infrastructure and Technology Modernization

CHAPTER 1—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION ACT

SEC. 581. SHORT TITLE.

This chapter may be cited as the “Border Infrastructure and Technology Modernization Act”.

SEC. 582. DEFINITIONS.

In this chapter:

(1) COMMISSIONER.—The term “Commissioner” means the Commissioner of the Bureau of Customs and Border Protection of the Department.

(2) MAQUILADORA.—The term “maquiladora” means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term “northern border” means the international border between the United States and Canada.

(4) SOUTHERN BORDER.—The term “southern border” means the international border between the United States and Mexico.

SEC. 583. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the Bureau of Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106-319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 584; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 584. NATIONAL LAND BORDER SECURITY PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary, after consultation with representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 585. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the

Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope, including personnel, of the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(A) the Business Anti-Smuggling Coalition;

(B) the Carrier Initiative Program;

(C) the Americas Counter Smuggling Initiative;

(D) the Container Security Initiative;

(E) the Free and Secure Trade Initiative; and

(F) other Industry Partnership Programs administered by the Commissioner.

(2) SOUTHERN BORDER DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall implement, on a demonstration basis, at least 1 Customs-Trade Partnership Against Terrorism program along the southern border, which has been successfully implemented along the northern border.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

SEC. 586. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTING.—Under the technology demonstration program, the Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) DEVELOPMENT OF FACILITIES.—At a demonstration site selected pursuant to subsection (c)(2), the Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) **RELATIONSHIP WITH OTHER AGENCIES.**—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) **REPORT.**—

(1) **REQUIREMENT.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) **CONTENT.**—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

SEC. 587. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) such sums as may be necessary for the fiscal years 2007 through 2011 to carry out the provisions of section 583(a);

(2) to carry out section 583(d)—

(A) \$100,000,000 for each of the fiscal years 2007 through 2011; and

(B) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out section 585(a)—

(A) \$30,000,000 for fiscal year 2007, of which \$5,000,000 shall be made available to fund the demonstration project established in section 586(a)(2); and

(B) such sums as may be necessary for the fiscal years 2008 through 2011;

(4) to carry out section 585(b)—

(A) \$5,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(5) to carry out section 586, provided that not more than \$10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) \$50,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the fiscal years 2008 through 2011.

(b) **INTERNATIONAL AGREEMENTS.**—Amounts authorized to be appropriated under this chapter may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this chapter.

CHAPTER 2—ADDITIONAL INFRASTRUCTURE ELEMENTS

SEC. 591. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) **AERIAL SURVEILLANCE PROGRAM.**—

(1) **IN GENERAL.**—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the se-

curity of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) **ASSESSMENT AND CONSULTATION REQUIREMENTS.**—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) **ADDITIONAL REQUIREMENTS.**—

(A) **IN GENERAL.**—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) **CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.**—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) **REPORT TO CONGRESS.**—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) **INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.**—

(1) **REQUIREMENT FOR PROGRAM.**—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a “virtual fence” along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) **PROGRAM COMPONENTS.**—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically acti-

vates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of non-permanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) **REPORT TO CONGRESS.**—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) **EVALUATION OF CONTRACTORS.**—

(A) **REQUIREMENT FOR STANDARDS.**—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) **REVIEW BY THE INSPECTOR GENERAL.**—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than \$5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 592. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) **DEFINITIONS.**—In this section:

(1) **PROTECTED LAND.**—The term “protected land” means land under the jurisdiction of the Secretary concerned.

(2) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—

(A) increased Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(B) Federal land resource training for Customs and Border Protection agents dedicated to protected land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States, with priority given to units of the National Park System.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the United States Fish and Wildlife Service, the Forest Service, or the relevant agency of the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources from border protection activities.

(c) INVENTORY OF COSTS AND ACTIVITIES.—The Secretary concerned shall develop and submit to the Secretary an inventory of costs incurred by the Secretary concerned relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(d) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service, the United States Fish and Wildlife Service, and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and

(2) not later than March 31, 2007, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects—

(1) units of the National Park System;

(2) National Forest System land;

(3) land under the jurisdiction of the United States Fish and Wildlife Service; and

(4) other relevant land under the jurisdiction of the Department of the Interior or the Department of Agriculture.

SEC. 593. UNMANNED AERIAL VEHICLES.

(a) UNMANNED AERIAL VEHICLES AND ASSOCIATED INFRASTRUCTURE.—The Secretary shall acquire and maintain MQ-9 unmanned aerial vehicles for use on the border, including related equipment such as—

(1) additional sensors;

(2) critical spares;

(3) satellite command and control; and

(4) other necessary equipment for operational support.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out subsection (a)—

(A) \$178,400,000 for fiscal year 2007; and

(B) \$276,000,000 for fiscal year 2008.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SA 4991. 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. Implementation of ENHANCE-911 Act.

Sec. —06. 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) 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.

(e) 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 2006, 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 2006.

“(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. IMPLEMENTATION OF ENHANCE-911 ACT.

(a) IN GENERAL.—Pursuant to section 3011 of Public Law 109-171 (47 U.S.C. 309 note), the Secretary of Commerce, through the Assistant Secretary for Communications and Information shall make payments of not to exceed \$43,500,000 to implement section 158 of the National Telecommunications and Information Administration Organization Act (47

U.S.C. 942) no later than 10 days after the date of enactment of this Act.

(b) BORROWING AUTHORITY.—The Assistant Secretary may borrow from the Treasury beginning on October 1, 2006, such sums as may be necessary, but not to exceed \$43,500,000, to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.

SEC. —06. 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, trunkline, 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), or without a fee, 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 4992. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DEMINT 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. —. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

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

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

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

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

“(A) has been convicted (or has been found not guilty by reason of insanity) within the preceding 10 years of—

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

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

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

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

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

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

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

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

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

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

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

“(xii) murder;

“(xiii) assault with intent to murder;

“(xiv) espionage;

“(xv) sedition;

“(xvi) kidnapping or hostage taking;

“(xvii) treason;

“(xviii) rape or aggravated sexual abuse;

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

“(xx) extortion;

“(xxi) armed or felony unarmed robbery;

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

“(xxiii) felony arson;

“(xxiv) a felony involving a threat;

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

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

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

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

SA 4993. Mr. DEMINT 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. —. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

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

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

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

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

“(A) has been convicted (or has been found not guilty by reason of insanity) within the preceding 10 years of—

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

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

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

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

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

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

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

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

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

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

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

“(xii) murder;

“(xiii) assault with intent to murder;

“(xiv) espionage;

“(xv) sedition;

“(xvi) kidnapping or hostage taking;

“(xvii) treason;

“(xviii) rape or aggravated sexual abuse;

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

“(xx) extortion;

“(xxi) armed or felony unarmed robbery;

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

“(xxiii) felony arson;

“(xxiv) a felony involving a threat;

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

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

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

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

SA 4994. Mr. McCAIN (for himself and Mrs. BOXER) 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 41, following the matter after line 25, insert the following:

SEC. 114. TRANSFER OF PUBLIC SAFETY GRANT PROGRAM TO THE DEPARTMENT OF HOMELAND SECURITY.

Section 3006 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109-171; 120 Stat. 24) is amended—

(1) in subsection (a)—

(A) by striking “The Assistant Secretary, in consultation with the” and inserting “The”; and

(B) in paragraph (1), by inserting “planning of,” before “acquisition of”; and

(2) in subsection (b), by striking “Assistant Secretary” each place that term appears and inserting “Secretary of Homeland Security”.

SA 4995. Ms. BOXER 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. . . BLAST-RESISTANT CONTAINERS.

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

SA 4996. Ms. LANDRIEU 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 5, between lines 11 and 12, insert the following:

(8) HAZARDOUS.—The term “hazardous” has the meaning given the term “hazardous materials” in section 2101(14) of title 46, United States Code.

On page 6, after line 25, add the following: (16) TANKER.—The term “tanker” has the meaning given such term in section 2101(38) of title 46, United States Code.

(17) TANKER SECURITY INITIATIVE; TSI.—The terms “Tanker Security Initiative” and “TSI” mean the program authorized under section 206 to identify and examine tankers that could pose a risk for terrorism at foreign ports before they arrive in ports of the United States.

On page 21, between lines 15 and 16, insert the following:

(F) hazardous cargo security;

On page 21, line 16, strike “(F)” and insert “(G)”.

On page 21, line 18, strike “(G)” and insert “(H)”.

On page 21, line 20, strike “(H)” and insert “(I)”.

On page 21, line 21, strike “(I)” and insert “(J)”.

On page 21, line 25, strike “(J)” and insert “(K)”.

On page 25, line 24, insert “and hazardous cargoes” after “containers”.

On page 26, line 9, strike “and”.

On page 26, line 13, strike the period at the end and insert “; and”.

On page 26, between lines 13 and 14, insert the following:

(9) a radiation detection and imagery strategy for hazardous cargoes.

On page 29, line 22, insert “or hazardous cargoes” after “containers”.

On page 30, line 18, insert “or hazardous cargoes” after “containers”.

On page 31, line 1, insert “and hazardous cargoes” after “containers”.

On page 34, line 9, insert “and hazardous cargoes” after “containers”.

On page 36, line 12, insert “or the Tanker Security Initiative”.

On page 38, line 21, insert “or hazardous cargo” after “container”.

On page 39, line 24, insert “or hazardous” after “container”.

On page 40, line 9, strike “CONTAINER” and insert “CARGO”.

On page 40, line 16, insert “and hazardous cargoes” after “containers”.

On page 41, line 15, insert “and hazardous cargoes” after “containers”.

On page 48, between lines 2 and 3, insert the following:

SEC. 206. TANKER SECURITY INITIATIVE.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall establish and implement a program (to be known as the “Tanker Security Initiative” or “TSI”) to promulgate and enforce standards and carry out activities to ensure that tanker vessels that transport petrochemicals, natural gas, or other hazardous materials are not used by terrorists or as carriers of weapons of mass destruction.

(b) ELEMENTS.—In carrying out the Tanker Security Initiative, the Secretary may—

(1) develop physical standards intended to prevent terrorists from placing a weapon of mass destruction in or on a tanker vessel without detection;

(2) develop detection equipment, and prescribe the use of such equipment, to be employed on a tanker vessel that is bound for a United States port of entry;

(3) develop new security inspection procedures required to be carried out on a tanker vessel at a foreign port of embarkation, on the high seas, or in United States waters prior to the arrival of such tanker at a United States port of entry;

(4) carry out research and development of sensing devices to detect any nuclear device that is placed in or on a tanker vessel; and

(5) provide assistance to a foreign country to assist such country in carrying out any provisions of the Tanker Security Initiative.

(c) ASSESSMENT.—Before the Secretary designates any foreign port under TSI, the Secretary, in coordination with other Federal officials, as appropriate, shall conduct an assessment of the port to evaluate the costs, benefits, and other factors associated with such designation, including—

(1) the level of risk for the potential compromise of tankers by terrorists or terrorist weapons;

(2) the economic impact of tankers traveling from the foreign port to the United States in terms of trade value and volume;

(3) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

(4) the capabilities and level of cooperation expected of the government of the intended host country;

(5) the willingness of the government of the intended host country to permit validation of security practices within the country in which the foreign port is located, for the purposes of C-TPAT or similar programs; and

(6) the potential for C-TPAT and GreenLane cargo traveling through the foreign port.

(d) ANNUAL REPORT.—Not later than March 1 of each year in which the Secretary proposes to designate a foreign port under TSI, the Secretary shall submit a report, in classified or unclassified form, detailing the assessment of each foreign port the Secretary is considering designating under TSI, to the appropriate congressional committees.

(e) DESIGNATION OF NEW PORTS.—The Secretary shall not designate a foreign port that processes hazardous cargoes under TSI unless the Secretary has completed the assessment required in subsection (c) for that port

and submitted a report under subsection (d) that includes that port.

(f) **NEGOTIATIONS.**—The Secretary may request that the Secretary of State, in conjunction with the United States Trade Representative, enter into trade negotiations with the government of each foreign country with a port designated under TSI, as appropriate, to ensure full compliance with the requirements under TSI.

(g) **INSPECTIONS.**—

(1) **REQUIREMENTS AND PROCEDURES.**—The Secretary shall—

(A) establish technical capability requirements and standard operating procedures for the use of nonintrusive inspection and radiation detection equipment in conjunction with TSI;

(B) require that the equipment operated at each port designated under TSI be operated in accordance with the requirements and procedures established under subparagraph (A); and

(C) continually monitor the technologies, processes, and techniques used to inspect cargo at ports designated under the Container Security Initiative.

(2) **CONSIDERATIONS.**—

(A) **CONSISTENCY OF STANDARDS AND PROCEDURES.**—In establishing the technical capability requirements and standard operating procedures under paragraph (1)(A), the Secretary shall take into account any such relevant standards and procedures utilized by other Federal departments or agencies as well as those developed by international bodies. Such standards and procedures shall not be designed to endorse the product or technology of any specific company or to conflict with the sovereignty of a country in which a foreign seaport designated under the Tanker Security Initiative is located.

(B) **APPLICABILITY.**—The technical capability requirements and standard operating procedures established pursuant to paragraph (1)(A) shall not apply to activities conducted under the Megaports Initiative of the Department of Energy.

(h) **COORDINATION.**—The Secretary shall coordinate with the Secretary of Energy to—

(1) provide radiation detection equipment required to support the Tanker Security Initiative through the Department of Energy's Second Line of Defense and Megaports programs; or

(2) work with the private sector to obtain radiation detection equipment that meets the Department's technical specifications for such equipment.

(i) **PERSONNEL.**—The Secretary shall—

(1) annually assess the personnel needs at each port designated under TSI;

(2) deploy personnel in accordance with the assessment under paragraph (1); and

(3) consider the potential for remote targeting in decreasing the number of personnel.

(j) **ANNUAL DISCUSSIONS.**—The Secretary, in coordination with the appropriate Federal officials, shall hold annual discussions with foreign governments of countries in which foreign seaports designated under the Tanker Security Initiative are located regarding best practices, technical assistance, training needs, and technological developments that will assist in ensuring the efficient and secure movement of international cargo.

(k) **LESSER RISK PORT.**—The Secretary, acting through the Commissioner, may treat cargo loaded in a foreign seaport designated under the Tanker Security Initiative as presenting a lesser risk than similar cargo loaded in a foreign seaport that is not designated under the Tanker Security Initiative, for the purpose of clearing such cargo into the United States.

(l) **BUDGET ANALYSIS.**—Not later than 180 days after the date of enactment of this Act,

the Secretary shall submit a budget analysis for implementing the provisions of this section, including additional cost-sharing arrangements with other Federal departments and other participants involved in the joint operation centers, to appropriate congressional committees.

(m) **SAVINGS PROVISION.**—The authority of the Secretary under this section shall not affect any authority or duplicate any efforts or responsibilities of the Federal Government with respect to the deployment of radiation detection equipment outside of the United States under any program administered by the Department.

On page 62, line 21, insert “or the Tanker Security Initiative” after “Container Security Initiative”.

SA 4997. Mr. MENENDEZ 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, between lines 22 and 23, insert the following:

(b) **RISK MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Under the direction of the Commandant of the Coast Guard, each Area Maritime Security Committee shall develop a Port Wide Risk Management Plan that includes—

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

(B) a management selection process; and

(C) active monitoring to measure effectiveness.

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

On page 19, line 16, strike “and”.

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

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

“(3) is consistent with the Port Wide Risk Management Plan developed under section 111(b) of the Port Security Improvement Act of 2006.

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

for Preparedness, may require.

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

SA 4998. Mr. MENENDEZ 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 16, between lines 9 and 10, insert the following:

“(3) establish a program to improve the interoperability of communications equipment used by law enforcement and other officials operating in the port with the communications equipment used by local law enforcement officials and first responders;

SA 4999. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. BIDEN, and

Mr. BAYH) 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 30, between lines 8 and 9, insert the following:

SEC. 126. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop an initial plan to scan—

(1) 100 percent of the cargo containers destined for the United States before such containers arrive in the United States; and

(2) cargo containers before such containers leave ports in the United States.

(b) **PLAN CONTENTS.**—The plan developed under this section shall include—

(1) specific annual benchmarks for—

(A) the percentage of cargo containers destined for the United States that are scanned at a foreign port; and

(B) the percentage of cargo containers originating in the United States and destined for a foreign port that are scanned in a port in the United States before leaving the United States;

(2) annual increases in the benchmarks described in paragraph (1) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States;

(3) a description of the consequences to be imposed on foreign ports or United States ports that do not meet the benchmarks described in paragraphs (1) and (2), which may include the loss of access to United States ports and fines;

(4) the use of existing programs, including CSI and C-TPAT, to reach annual benchmarks;

(5) the use of scanning equipment, personnel, and technology to reach the goal of 100 percent scanning of cargo containers.

On page 61, line 6, strike the period at the end and insert “; and”.

On page 62, between lines 6 and 7, insert the following:

(5) an update of the initial 100 percent scanning plan based on lessons learned from the pilot program.

SA 5000. Ms. SNOWE 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. ____ STUDY TO IDENTIFY REDUNDANT BACKGROUND RECORDS CHECKS.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study of background records checks carried out by Federal departments and agencies that are similar to the background records check required under section 5103a of title 49, United States Code, to identify redundancies and inefficiencies in connection with such checks.

(b) **CONTENTS.**—In conducting the study, the Comptroller General of the United States shall review, at a minimum, the background records checks carried out by—

(1) the Secretary of Defense;

(2) the Secretary of Homeland Security; and

(3) the Secretary of Energy.

(c) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States

shall submit a report to Congress on the results of the study, including—

(1) an identification of redundancies and inefficiencies referred to in subsection (a); and

(2) recommendations for eliminating such redundancies and inefficiencies.

SA 5001. Mr. WYDEN (for himself and Mr. SMITH) 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 4, line 25, strike “a device” and all that follows through page 5, line 4, and insert the following: “a device, or system, designed, at a minimum, to identify positively a container, to detect and record the unauthorized intrusion of a container, and to secure a container against tampering throughout the supply chain. Such a device, or system, shall have a low false alarm rate as determined by the Secretary.”.

SA 5002. Mr. LIEBERMAN (for himself, Mr. STEVENS, and Mr. INOUE) 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, beginning with “and” on line 5, strike all through line 9, and insert the following:

“(8) an assessment of the feasibility of reducing the transit time for in-bond shipments, including an assessment of the impact of such a change on domestic and international trade; and

“(9) an assessment of the security threat posed by in-bond cargo, including an assessment of any means for mitigating the threat posed by in-bond cargo.

SA 5003. Mr. BAUCUS (for himself, Ms. STABENOW, Mr. MENENDEZ, Ms. CANTWELL, Mrs. BOXER, Mr. CARPER, Mrs. CLINTON, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. HARKIN, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SCHUMER, Mrs. MURRAY, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. OBAMA, Mr. REED, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 4096, to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) **SHORT TITLE.**—This Act may be cited as the “Tax Relief Extension Act of 2006”.

(b) **REFERENCE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—EXTENSION AND EXPANSION OF CERTAIN TAX RELIEF PROVISIONS

Sec. 101. Deduction for qualified tuition and related expenses.

Sec. 102. Extension and modification of new markets tax credit.

Sec. 103. Election to deduct State and local general sales taxes.

Sec. 104. Extension and modification of research credit.

Sec. 105. Work opportunity tax credit and welfare-to-work credit.

Sec. 106. Election to include combat pay as earned income for purposes of earned income credit.

Sec. 107. Extension and modification of qualified zone academy bonds.

Sec. 108. Above-the-line deduction for certain expenses of elementary and secondary school teachers.

Sec. 109. Extension and expansion of expensing of brownfields remediation costs.

Sec. 110. Tax incentives for investment in the District of Columbia.

Sec. 111. Indian employment tax credit.

Sec. 112. Accelerated depreciation for business property on Indian reservations.

Sec. 113. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.

Sec. 114. Cover over of tax on distilled spirits.

Sec. 115. Parity in application of certain limits to mental health benefits.

Sec. 116. Corporate donations of scientific property used for research and of computer technology and equipment.

Sec. 117. Availability of medical savings accounts.

Sec. 118. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.

Sec. 119. American Samoa economic development credit.

Sec. 120. Restructuring of New York Liberty Zone tax credits.

Sec. 121. Extension of bonus depreciation for certain qualified Gulf Opportunity Zone property.

Sec. 122. Authority for undercover operations.

Sec. 123. Disclosures of certain tax return information.

TITLE II—OTHER TAX PROVISIONS

Sec. 201. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.

Sec. 202. Credit for prior year minimum tax liability made refundable after period of years.

Sec. 203. Returns required in connection with certain options.

Sec. 204. Partial expensing for advanced mine safety equipment.

Sec. 205. Mine rescue team training tax credit.

Sec. 206. Whistleblower reforms.

Sec. 207. Frivolous tax submissions.

Sec. 208. Addition of meningococcal and human papillomavirus vaccines to list of taxable vaccines.

Sec. 209. Clarification of taxation of certain settlement funds made permanent.

Sec. 210. Modification of active business definition under section 355 made permanent.

Sec. 211. Revision of State veterans limit made permanent.

Sec. 212. Capital gains treatment for certain self-created musical works made permanent.

Sec. 213. Reduction in minimum vessel tonnage which qualifies for tonnage tax made permanent.

Sec. 214. Modification of special arbitrage rule for certain funds made permanent.

Sec. 215. Great Lakes domestic shipping to not disqualify vessel from tonnage tax.

Sec. 216. Use of qualified mortgage bonds to finance residences for veterans without regard to first-time homebuyer requirement.

Sec. 217. Exclusion of gain from sale of a principal residence by certain employees of the intelligence community.

Sec. 218. Treatment of coke and coke gas.

Sec. 219. Sale of property by judicial officers.

Sec. 220. Premiums for mortgage insurance.

Sec. 221. Modification of refunds for kerosene used in aviation.

Sec. 222. Deduction for qualified timber gain.

Sec. 223. Credit to holders of rural renaissance bonds.

Sec. 224. Restoration of deduction for travel expenses of spouse, etc. accompanying taxpayer on business travel.

Sec. 225. Technical corrections.

TITLE III—SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 2006

Sec. 301. Short title.

Subtitle A—Mining Control and Reclamation

Sec. 311. Abandoned Mine Reclamation Fund and purposes.

Sec. 312. Reclamation fee.

Sec. 313. Objectives of Fund.

Sec. 314. Reclamation of rural land.

Sec. 315. Liens.

Sec. 316. Certification.

Sec. 317. Remining incentives.

Sec. 318. Extension of limitation on application of prohibition on issuance of permit.

Sec. 319. Tribal regulation of surface coal mining and reclamation operations.

Subtitle B—Coal Industry Retiree Health Benefit Act

Sec. 321. Certain related persons and successors in interest relieved of liability if premiums prepaid.

Sec. 322. Transfers to funds; premium relief.

Sec. 323. Other provisions.

TITLE I—EXTENSION AND EXPANSION OF CERTAIN TAX RELIEF PROVISIONS

SEC. 101. DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) **IN GENERAL.**—Section 222(e) is amended by striking “2005” and inserting “2007”.

(b) **CONFORMING AMENDMENTS.**—Section 222(b)(2)(B) is amended—

(1) by striking “a taxable year beginning in 2004 or 2005” and inserting “any taxable year beginning after 2003”, and

(2) by striking “2004 AND 2005” in the heading and inserting “AFTER 2003”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 102. EXTENSION AND MODIFICATION OF NEW MARKETS TAX CREDIT.

(a) **EXTENSION.**—Section 45D(f)(1)(D) is amended by striking “and 2007” and inserting “, 2007, and 2008”.

(b) **REGULATIONS REGARDING NON-METROPOLITAN COUNTIES.**—Section 45D(i) is amended by striking “and” at the end of paragraph

(4), by striking the period at the end of paragraph (5) and inserting “, and”, and by adding at the end the following new paragraph: “(6) which ensure that non-metropolitan counties receive a proportional allocation of qualified equity investments.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 103. ELECTION TO DEDUCT STATE AND LOCAL GENERAL SALES TAXES.

(a) IN GENERAL.—Section 164(b)(5)(I) is amended by striking “2006” and inserting “2008”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 104. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Section 41(h)(1)(B) is amended by striking “2005” and inserting “2007”.

(2) CONFORMING AMENDMENT.—Section 45C(b)(1)(D) is amended by striking “2005” and inserting “2007”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2005.

(b) INCREASE IN RATES OF ALTERNATIVE INCREMENTAL CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 41(c)(4) (relating to election of alternative incremental credit) is amended—

(A) by striking “2.65 percent” and inserting “3 percent”.

(B) by striking “3.2 percent” and inserting “4 percent”, and

(C) by striking “3.75 percent” and inserting “5 percent”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2006.

(c) ALTERNATIVE SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.—

(1) IN GENERAL.—Subsection (c) of section 41 (relating to base amount) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

“(5) ELECTION OF ALTERNATIVE SIMPLIFIED CREDIT.—

“(A) IN GENERAL.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 12 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

“(B) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

“(i) TAXPAYERS TO WHICH SUBPARAGRAPH APPLIES.—The credit under this paragraph shall be determined under this subparagraph if the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined.

“(ii) CREDIT RATE.—The credit determined under this subparagraph shall be equal to 6 percent of the qualified research expenses for the taxable year.

“(C) ELECTION.—An election under this paragraph shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary. An election under this paragraph may not be made for any taxable year to which an election under paragraph (4) applies.”.

(2) COORDINATION WITH ELECTION OF ALTERNATIVE INCREMENTAL CREDIT.—

(A) IN GENERAL.—Section 41(c)(4)(B) (relating to election) is amended by adding at the end the following: “An election under this paragraph may not be made for any taxable year to which an election under paragraph (5) applies.”.

(B) TRANSITION RULE.—In the case of an election under section 41(c)(4) of the Internal Revenue Code of 1986 which applies to the taxable year which includes the date of the enactment of this Act, such election shall be treated as revoked with the consent of the Secretary of the Treasury if the taxpayer makes an election under section 41(c)(5) of such Code (as added by subsection (c)) for such year.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2006.

SEC. 105. WORK OPPORTUNITY TAX CREDIT AND WELFARE-TO-WORK CREDIT.

(a) IN GENERAL.—Sections 51(c)(4)(B) and 51A(f) are each amended by striking “2005” and inserting “2007”.

(b) ELIGIBILITY OF EX-FELONS DETERMINED WITHOUT REGARD TO FAMILY INCOME.—Paragraph (4) of section 51(d) is amended by adding “and” at the end of subparagraph (A), by striking “, and” at the end of subparagraph (B) and inserting a period, and by striking all that follows subparagraph (B).

(c) INCREASE IN MAXIMUM AGE FOR ELIGIBILITY OF FOOD STAMP RECIPIENTS.—Clause (i) of section 51(d)(8)(A) is amended by striking “25” and inserting “40”.

(d) EXTENSION OF PAPERWORK FILING DEADLINE.—Section 51(d)(12)(A)(ii)(II) is amended by striking “21st day” and inserting “28th day”.

(e) CONSOLIDATION OF WORK OPPORTUNITY CREDIT WITH WELFARE-TO-WORK CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 51(d) is amended by striking “or” at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting “, or”, and by adding at the end the following new subparagraph:

“(I) a long-term family assistance recipient.”.

(2) LONG-TERM FAMILY ASSISTANCE RECIPIENT.—Subsection (d) of section 51 is amended by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively, and by inserting after paragraph (9) the following new paragraph:

“(10) LONG-TERM FAMILY ASSISTANCE RECIPIENT.—The term ‘long-term family assistance recipient’ means any individual who is certified by the designated local agency—

“(A) as being a member of a family receiving assistance under a IV-A program (as defined in paragraph (2)(B)) for at least the 18-month period ending on the hiring date,

“(B)(i) as being a member of a family receiving such assistance for 18 months beginning after August 5, 1997, and

“(ii) as having a hiring date which is not more than 2 years after the end of the earliest such 18-month period, or

“(C)(i) as being a member of a family which ceased to be eligible for such assistance by reason of any limitation imposed by Federal or State law on the maximum period such assistance is payable to a family, and

“(ii) as having a hiring date which is not more than 2 years after the date of such cessation.”.

(3) INCREASED CREDIT FOR EMPLOYMENT OF LONG-TERM FAMILY ASSISTANCE RECIPIENTS.—Section 51 is amended by inserting after subsection (d) the following new subsection:

“(e) CREDIT FOR SECOND-YEAR WAGES FOR EMPLOYMENT OF LONG-TERM FAMILY ASSISTANCE RECIPIENTS.—

“(1) IN GENERAL.—With respect to the employment of a long-term family assistance recipient—

“(A) the amount of the work opportunity credit determined under this section for the taxable year shall include 50 percent of the qualified second-year wages for such year, and

“(B) in lieu of applying subsection (b)(3), the amount of the qualified first-year wages, and the amount of qualified second-year wages, which may be taken into account with respect to such a recipient shall not exceed \$10,000 per year.

“(2) QUALIFIED SECOND-YEAR WAGES.—For purposes of this subsection, the term ‘qualified second-year wages’ means qualified wages—

“(A) which are paid to a long-term family assistance recipient, and

“(B) which are attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such recipient determined under subsection (b)(2).

“(3) SPECIAL RULES FOR AGRICULTURAL AND RAILWAY LABOR.—If such recipient is an employee to whom subparagraph (A) or (B) of subsection (h)(1) applies, rules similar to the rules of such subparagraphs shall apply except that—

“(A) such subparagraph (A) shall be applied by substituting ‘\$10,000’ for ‘\$6,000’, and

“(B) such subparagraph (B) shall be applied by substituting ‘\$833.33’ for ‘\$500’.”.

(4) REPEAL OF SEPARATE WELFARE-TO-WORK CREDIT.—

(A) IN GENERAL.—Section 51A is hereby repealed.

(B) CLERICAL AMENDMENT.—The table of sections for part F of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 51A.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2005.

(2) CONSOLIDATION.—The amendments made by subsections (b), (c), (d), and (e) shall apply to individuals who begin work for the employer after December 31, 2006.

SEC. 106. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 32(c)(2)(B)(vi)(II) is amended by striking “2007” and inserting “2008”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 107. EXTENSION AND MODIFICATION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking “and 2005” and inserting “2005, 2006, and 2007”.

(b) SPECIAL RULES RELATING TO EXPENDITURES, ARBITRAGE, AND REPORTING.—

(1) IN GENERAL.—Section 1397E is amended—

(A) in subsection (d)(1), by striking “and” at the end of subparagraph (C)(iii), by striking the period at the end of subparagraph (D) and inserting “, and”, and by adding at the end the following new subparagraph:

“(E) the issue meets the requirements of subsections (f), (g), and (h).”, and

(B) by redesignating subsections (f), (g), (h), and (i) as subsection (i), (j), (k), and (l), respectively, and by inserting after subsection (e) the following new subsections:

“(f) SPECIAL RULES RELATING TO EXPENDITURES.—

“(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the issuer reasonably expects—

“(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified purposes with respect to

qualified zone academies within the 5-year period beginning on the date of issuance of the qualified zone academy bond.

“(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the qualified zone academy bond, and

“(C) such purposes will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

“(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related purposes will continue to proceed with due diligence.

“(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

“(g) SPECIAL RULES RELATING TO ARBITRAGE.—An issue shall be treated as meeting the requirements of this subsection if the issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

“(h) REPORTING.—Issuers of qualified academy zone bonds shall submit reports similar to the reports required under section 149(e).”

(2) CONFORMING AMENDMENTS.—Sections 54(1)(3)(B) and 1400N(1)(7)(B)(ii) are each amended by striking “section 1397E(i)” and inserting “section 1397E(1)”.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2005.

(2) SPECIAL RULES.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act pursuant to allocations of the national zone academy bond limitation for calendar years after 2005.

SEC. 108. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2005” and inserting “2005, 2006, or 2007”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 109. EXTENSION AND EXPANSION OF EXPENSING OF BROWNFIELDS REMEDIATION COSTS.

(a) EXTENSION.—Subsection (h) of section 198 is amended by striking “2005” and inserting “2007”.

(b) EXPANSION.—Section 198(d)(1) (defining hazardous substance) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following new subparagraph:

“(C) any petroleum product (as defined in section 4612(a)(3)).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after December 31, 2005.

SEC. 110. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking “2005” both places it appears and inserting “2007”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2005.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking “2005” and inserting “2007”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2005.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking “2006” each place it appears and inserting “2008”.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking “2010” and inserting “2012”, and

(ii) by striking “2010” in the heading thereof and inserting “2012”.

(B) Section 1400B(g)(2) is amended by striking “2010” and inserting “2012”.

(C) Section 1400F(d) is amended by striking “2010” and inserting “2012”.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2005.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking “2006” and inserting “2008”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2005.

SEC. 111. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Section 45A(f) is amended by striking “2005” and inserting “2007”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 112. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.

(a) IN GENERAL.—Section 168(j)(8) is amended by striking “2005” and inserting “2007”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2005.

SEC. 113. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) are each amended by striking “2006” and inserting “2008”.

(b) TREATMENT OF RESTAURANT PROPERTY TO INCLUDE NEW CONSTRUCTION.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

“(7) QUALIFIED RESTAURANT PROPERTY.—The term ‘qualified restaurant property’ means any section 1250 property which is a building or an improvement to a building if more than 50 percent of the building’s square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.”

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2005.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 114. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Section 7652(f)(1) is amended by striking “2006” and inserting “2008”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles brought into the United States after December 31, 2005.

SEC. 115. PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 9812(f)(3) is amended by striking “2006” and inserting “2007”.

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking “2006” and inserting “2007”.

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg-5(f)) is amended by striking “2006” and inserting “2007”.

SEC. 116. CORPORATE DONATIONS OF SCIENTIFIC PROPERTY USED FOR RESEARCH AND OF COMPUTER TECHNOLOGY AND EQUIPMENT.

(a) EXTENSION OF COMPUTER TECHNOLOGY AND EQUIPMENT DONATION.—

(1) IN GENERAL.—Section 170(e)(6)(G) is amended by striking “2005” and inserting “2007”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to contributions made in taxable years beginning after December 31, 2005.

(b) EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.—

(1) SCIENTIFIC PROPERTY USED FOR RESEARCH.—

(A) IN GENERAL.—Clause (ii) of section 170(e)(4)(B) (defining qualified research contributions) is amended by inserting “or assembled” after “constructed”.

(B) CONFORMING AMENDMENT.—Clause (iii) of section 170(e)(4)(B) is amended by inserting “or assembly” after “construction”.

(2) COMPUTER TECHNOLOGY AND EQUIPMENT FOR EDUCATIONAL PURPOSES.—

(A) IN GENERAL.—Clause (ii) of section 170(e)(6)(B) is amended by inserting “or assembled” after “constructed” and “or assembling” after “construction”.

(B) CONFORMING AMENDMENT.—Subparagraph (D) of section 170(e)(6) is amended by inserting “or assembled” after “constructed” and “or assembly” after “construction”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2005.

SEC. 117. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Paragraphs (2) and (3)(B) of section 220(i) are each amended by striking “2005” each place it appears in the text and headings and inserting “2007”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 220(j) is amended—

(A) in the text by striking “or 2004” each place it appears and inserting “2004, 2005, or 2006”, and

(B) in the heading by striking “OR 2004” and inserting “2004, 2005, OR 2006”.

(2) Subparagraph (A) of section 220(j)(4) is amended by striking “and 2004” and inserting “2004, 2005, and 2006”.

(c) TIME FOR FILING REPORTS, ETC.—

(1) The report required by section 220(j)(4) of the Internal Revenue Code of 1986 to be made on August 1, 2005, shall be treated as

timely if made before the close of the 90-day period beginning on the date of the enactment of this Act.

(2) The determination and publication required by section 220(j)(5) of such Code with respect to calendar year 2005 shall be treated as timely if made before the close of the 120-day period beginning on the date of the enactment of this Act. If the determination under the preceding sentence is that 2005 is a cut-off year under section 220(i) of such Code, the cut-off date under such section 220(i) shall be the last day of such 120-day period.

SEC. 118. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Section 613A(c)(6)(H) is amended by striking “2006” and inserting “2008”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 119. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) IN GENERAL.—For purposes of section 30A of the Internal Revenue Code of 1986, a domestic corporation shall be treated as a qualified domestic corporation to which such section applies if such corporation—

(1) is an existing credit claimant with respect to American Samoa, and

(2) elected the application of section 936 of the Internal Revenue Code of 1986 for its last taxable year beginning before January 1, 2006.

(b) SPECIAL RULES FOR APPLICATION OF SECTION.—The following rules shall apply in applying section 30A of the Internal Revenue Code of 1986 for purposes of this section:

(1) AMOUNT OF CREDIT.—Notwithstanding section 30A(a)(1) of such Code, the amount of the credit determined under section 30A(a)(1) of such Code for any taxable year shall be the amount determined under section 30A(d) of such Code, except that section 30A(d) shall be applied without regard to paragraph (3) thereof.

(2) SEPARATE APPLICATION.—In applying section 30A(a)(3) of such Code in the case of a corporation treated as a qualified domestic corporation by reason of this section, section 30A of such Code (and so much of section 936 of such Code as relates to such section 30A) shall be applied separately with respect to American Samoa.

(3) FOREIGN TAX CREDIT ALLOWED.—Notwithstanding section 30A(e) of such Code, the provisions of section 936(c) of such Code shall not apply with respect to the credit allowed by reason of this section.

(c) DEFINITIONS.—For purposes of this section, any term which is used in this section which is also used in section 30A or 936 of such Code shall have the same meaning given such term by such section 30A or 936.

(d) APPLICATION OF SECTION.—Notwithstanding section 30A(h) or section 936(j) of such Code, this section (and so much of section 30A and section 936 of such Code as relates to this section) shall apply to the first two taxable years of a corporation to which subsection (a) applies which begin after December 31, 2005, and before January 1, 2008.

SEC. 120. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as 1400K and by adding at the end the following new section:

“SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

“(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is lia-

ble under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

“(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualifying project expenditure amount’ means, with respect to any calendar year, the sum of—

“(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

“(B) any such expenditures—

“(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

“(ii) not previously allocated under paragraph (3).

“(2) QUALIFYING PROJECT.—The term ‘qualifying project’ means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

“(3) GENERAL ALLOCATION.—

“(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

“(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed \$1,750,000,000.

“(C) ANNUAL LIMIT.—

“(i) IN GENERAL.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

“(I) the applicable limit, plus

“(II) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

“(i) APPLICABLE LIMIT.—For purposes of clause (i), the applicable limit for any calendar year is—

“(I) in the case of calendar years 2007 through 2016, \$100,000,000,

“(II) in the case of calendar year 2017 or 2018, \$200,000,000,

“(III) in the case of calendar year 2019, \$150,000,000,

“(IV) in the case of calendar year 2020 or 2021, \$100,000,000, and

“(V) in the case of any calendar year after 2021, zero.

“(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

“(i) the lesser of—

“(I) such excess, or

“(II) the qualifying project expenditure amount for such calendar year, reduced by

“(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

“(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

“(c) CARRYOVER OF UNUSED ALLOCATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year. No amount may be carried under the preceding sentence to a calendar year after 2026.

“(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

“(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) CREDIT PERIOD.—The term ‘credit period’ means the 15-year period beginning on January 1, 2007.

“(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term ‘New York Liberty Zone governmental unit’ means—

“(A) the State of New York,

“(B) the City of New York, New York, and

“(C) any agency or instrumentality of such State or City.

“(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

“(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

“(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

“(1) which certifies—

“(A) the qualifying project expenditure amount for the calendar year, and

“(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

“(2) includes such other information as the Secretary may require to carry out this section.

“(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.

“(g) TERMINATION.—No credit shall be allowed under subsection (a) for any calendar year after 2026.”

(b) TERMINATION OF CERTAIN NEW YORK LIBERTY ZONE BENEFITS.—

(1) SPECIAL ALLOWANCE AND EXPENSING.—Section 1400K(b)(2)(A)(v), as redesignated by subsection (a), is amended by striking “the termination date” and inserting “the date of the enactment of the Tax Relief Extension Act of 2006 or the termination date if pursuant to a binding contract in effect on such enactment date”.

(2) LEASEHOLD.—Section 1400K(c)(2)(B), as so redesignated, is amended by striking “before January 1, 2007” and inserting “on or before the date of the enactment of the Tax Relief Extension Act of 2006 or before January 1, 2007, if pursuant to a binding contract in effect on such enactment date”.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking “section 1400L(a)” and inserting “section 1400K(a)”.

(2) Section 168(k)(2)(D)(ii) is amended by striking “section 1400L(c)(2)” and inserting “1400K(c)(2)”.

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by striking “1400L” and inserting “1400K”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to periods beginning after December 31, 2006.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect as if included in section 301 of the Job Creation and Worker Assistance Act of 2002.

SEC. 121. EXTENSION OF BONUS DEPRECIATION FOR CERTAIN QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.

(a) IN GENERAL.—Subsection (d) of section 1400N is amended by adding at the end the following new paragraph:

“(6) EXTENSION FOR CERTAIN PROPERTY.—

“(A) IN GENERAL.—In the case of any specified Gulf Opportunity Zone extension property, paragraph (2)(A) shall be applied without regard to clause (v) thereof.

“(B) SPECIFIED GULF OPPORTUNITY ZONE EXTENSION PROPERTY.—For purposes of this paragraph, the term ‘specified Gulf Opportunity Zone extension property’ means property—

“(i) substantially all of the use of which is in one or more specified portions of the GO Zone, and

“(ii) which is—

“(I) nonresidential real property or residential rental property which is placed in service by the taxpayer on or before December 31, 2009, or

“(II) in the case of a taxpayer who places a building described in subclause (I) in service on or before December 31, 2009, property described in section 168(k)(2)(A)(i) if substantially all of the use of such property is in such building and such property is placed in service by the taxpayer not later than 90 days after such building is placed in service.

“(C) SPECIFIED PORTIONS OF THE GO ZONE.—For purposes of this paragraph, the term ‘specified portions of the GO Zone’ means those portions of the GO Zone which are in any county or parish which is identified by the Secretary as being a county or parish in which hurricanes occurring during 2005 damaged (in the aggregate) more than 40 percent of the housing units in such county or parish which were occupied (determined according to the 2000 Census).”.

(b) EXTENSION NOT APPLICABLE TO INCREASED SECTION 179 EXPENSING.—Paragraph (2) of section 1400N(e) is amended by inserting “without regard to subsection (d)(6)” after “subsection (d)(2)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 101 of the Gulf Opportunity Zone Act of 2005.

SEC. 122. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking “2007” both places it appears and inserting “2008”.

SEC. 123. DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking “2006” and inserting “2007”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to disclosures after December 31, 2006.

(b) DISCLOSURES RELATING TO TERRORIST ACTIVITIES.—

(1) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) and subparagraph (E) of section 6103(i)(7) are each amended by striking “2006” and inserting “2007”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to disclosures after December 31, 2006.

(c) DISCLOSURES RELATING TO STUDENT LOANS.—

(1) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking “2006” and inserting “2007”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to requests made after December 31, 2006.

TITLE II—OTHER TAX PROVISIONS

SEC. 201. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subsection (d) of section 199 (relating to definitions and special rules) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

“(8) TREATMENT OF ACTIVITIES IN PUERTO RICO.—

“(A) IN GENERAL.—In the case of any taxpayer with gross receipts for any taxable year from sources within the Commonwealth of Puerto Rico, if all of such receipts are taxable under section 1 or 11 for such taxable year, then for purposes of determining the domestic production gross receipts of such taxpayer for such taxable year under subsection (c)(4), the term ‘United States’ shall include the Commonwealth of Puerto Rico.

“(B) SPECIAL RULE FOR APPLYING WAGE LIMITATION.—In the case of any taxpayer described in subparagraph (A), for purposes of applying the limitation under subsection (b) for any taxable year, the determination of W-2 wages of such taxpayer shall be made without regard to any exclusion under section 3401(a)(8) for remuneration paid for services performed in Puerto Rico.

“(C) TERMINATION.—This paragraph shall apply only with respect to the first 2 taxable years of the taxpayer beginning after December 31, 2005, and before January 1, 2008.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 202. CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY MADE REFUNDABLE AFTER PERIOD OF YEARS.

(a) IN GENERAL.—Section 53 (relating to credit for prior year minimum tax liability) is amended by adding at the end the following new subsection:

“(e) SPECIAL RULE FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS.—

“(1) IN GENERAL.—If an individual has a long-term unused minimum tax credit for any taxable year beginning before January 1, 2013, the amount determined under subsection (c) for such taxable year shall not be

less than the AMT refundable credit amount for such taxable year.

“(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1)—

“(A) IN GENERAL.—The term ‘AMT refundable credit amount’ means, with respect to any taxable year, the amount equal to the greater of—

“(i) the lesser of—

“(I) \$5,000, or

“(II) the amount of long-term unused minimum tax credit for such taxable year, or

“(ii) 20 percent of the amount of such credit.

“(B) PHASEOUT OF AMT REFUNDABLE CREDIT AMOUNT.—

“(i) IN GENERAL.—In the case of an individual whose adjusted gross income for any taxable year exceeds the threshold amount (within the meaning of section 151(d)(3)(C)), the AMT refundable credit amount determined under subparagraph (A) for such taxable year shall be reduced by the applicable percentage (within the meaning of section 151(d)(3)(B)).

“(ii) ADJUSTED GROSS INCOME.—For purposes of clause (i), adjusted gross income shall be determined without regard to sections 911, 931, and 933.

“(3) LONG-TERM UNUSED MINIMUM TAX CREDIT.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘long-term unused minimum tax credit’ means, with respect to any taxable year, the portion of the minimum tax credit determined under subsection (b) attributable to the adjusted net minimum tax for taxable years before the 3rd taxable year immediately preceding such taxable year.

“(B) FIRST-IN, FIRST-OUT ORDERING RULE.—For purposes of subparagraph (A), credits shall be treated as allowed under subsection (a) on a first-in, first-out basis.

“(4) CREDIT REFUNDABLE.—For purposes of this title (other than this section), the credit allowed by reason of this subsection shall be treated as if it were allowed under subpart C.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by striking “and 34” and inserting “34, and 53(e)”.

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “or 53(e)” after “section 35”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 203. RETURNS REQUIRED IN CONNECTION WITH CERTAIN OPTIONS.

(a) IN GENERAL.—So much of section 6039(a) as follows paragraph (2) is amended to read as follows:

“shall, for such calendar year, make a return at such time and in such manner, and setting forth such information, as the Secretary may by regulations prescribe.”.

(b) STATEMENTS TO PERSONS WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—Section 6039 is amended by redesignating subsections (b) and (c) as subsection (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

“(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REPORTED.—Every corporation making a return under subsection (a) shall furnish to each person whose name is set forth in such return a written statement setting forth such information as the Secretary may by regulations prescribe. The written statement required under the preceding sentence shall be furnished to such person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 6724(d)(1)(B) is amended by striking “or” at the end of clause (xvii), by striking “and” at the end of clause (xviii) and inserting “or”, and by adding at the end the following new clause:

“(xix) section 6039(a) (relating to returns required with respect to certain options), and”.

(2) Section 6724(d)(2)(B) is amended by striking “section 6039(a)” and inserting “section 6039(b)”.

(3) The heading of section 6039 and the item relating to such section in the table of sections of subpart A of part III of subchapter A of chapter 61 of such Code are each amended by striking “Information” and inserting “Returns”.

(4) The heading of subsection (a) of section 6039 is amended by striking “FURNISHING OF INFORMATION” and inserting “REQUIREMENT OF REPORTING”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 204. PARTIAL EXPENSING FOR ADVANCED MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 179D the following new section:

“SEC. 179E. ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

“(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat 50 percent of the cost of any qualified advanced mine safety equipment property as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified advanced mine safety equipment property is placed in service.

“(b) ELECTION.—

“(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer’s return of the tax imposed by this chapter for the taxable year. Such election shall specify the advanced mine safety equipment property to which the election applies and shall be made in such manner as the Secretary may by regulations prescribe.

“(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

“(c) QUALIFIED ADVANCED MINE SAFETY EQUIPMENT PROPERTY.—For purposes of this section, the term ‘qualified advanced mine safety equipment property’ means any advanced mine safety equipment property for use in any underground mine located in the United States—

“(1) the original use of which commences with the taxpayer, and

“(2) which is placed in service by the taxpayer after the date of the enactment of this section.

“(d) ADVANCED MINE SAFETY EQUIPMENT PROPERTY.—For purposes of this section, the term ‘advanced mine safety equipment property’ means any of the following:

“(1) Emergency communication technology or device which is used to allow a miner to maintain constant communication with an individual who is not in the mine.

“(2) Electronic identification and location device which allows an individual who is not in the mine to track at all times the movements and location of miners working in or at the mine.

“(3) Emergency oxygen-generating, self-rescue device which provides oxygen for at least 90 minutes.

“(4) Pre-positioned supplies of oxygen which (in combination with self-rescue devices) can be used to provide each miner on a shift, in the event of an accident or other event which traps the miner in the mine or

otherwise necessitates the use of such a self-rescue device, the ability to survive for at least 48 hours.

“(5) Comprehensive atmospheric monitoring system which monitors the levels of carbon monoxide, methane, and oxygen that are present in all areas of the mine and which can detect smoke in the case of a fire in a mine.

“(e) COORDINATION WITH SECTION 179.—No expenditures shall be taken into account under subsection (a) with respect to the portion of the cost of any property specified in an election under section 179.

“(f) REPORTING.—No deduction shall be allowed under subsection (a) to any taxpayer for any taxable year unless such taxpayer files with the Secretary a report containing such information with respect to the operation of the mines of the taxpayer as the Secretary shall require.

“(g) TERMINATION.—This section shall not apply to property placed in service after December 31, 2008.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 263(a)(1) is amended by striking “or” at the end of subparagraph (J), by striking the period at the end of subparagraph (K) and inserting “, or”, and by inserting after subparagraph (K) the following new subparagraph:

“(L) expenditures for which a deduction is allowed under section 179E.”.

(2) Section 312(k)(3)(B) is amended by striking “or 179D” each place it appears in the heading and text thereof and inserting “179D, or 179E”.

(3) Paragraphs (2)(C) and (3)(C) of section 1245(a) are each amended by inserting “179E,” after “179D,”.

(4) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 179D the following new item:

“Sec. 179E. Election to expense advanced mine safety equipment.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred after the date of the enactment of this Act.

SEC. 205. MINE RESCUE TEAM TRAINING TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

“SEC. 45N. MINE RESCUE TEAM TRAINING CREDIT.

“(a) AMOUNT OF CREDIT.—For purposes of section 38, the mine rescue team training credit determined under this section with respect to each qualified mine rescue team employee of an eligible employer for any taxable year is an amount equal to the lesser of—

“(1) 20 percent of the amount paid or incurred by the taxpayer during the taxable year with respect to the training program costs of such qualified mine rescue team employee (including wages of such employee while attending such program), or

“(2) \$10,000.

“(b) QUALIFIED MINE RESCUE TEAM EMPLOYEE.—For purposes of this section, the term ‘qualified mine rescue team employee’ means with respect to any taxable year any full-time employee of the taxpayer who is—

“(1) a miner eligible for more than 6 months of such taxable year to serve as a mine rescue team member as a result of completing, at a minimum, an initial 20-hour course of instruction as prescribed by the Mine Safety and Health Administration’s Office of Educational Policy and Development, or

“(2) a miner eligible for more than 6 months of such taxable year to serve as a

mine rescue team member by virtue of receiving at least 40 hours of refresher training in such instruction.

“(c) ELIGIBLE EMPLOYER.—For purposes of this section, the term ‘eligible employer’ means any taxpayer which employs individuals as miners in underground mines in the United States.

“(d) WAGES.—For purposes of this section, the term ‘wages’ has the meaning given to such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

“(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2008.”.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking “and” at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting “, plus”, and by adding at the end the following new paragraph:

“(31) the mine rescue team training credit determined under section 45N(a).”.

(c) NO DOUBLE BENEFIT.—Section 280C is amended by adding at the end the following new subsection:

“(e) MINE RESCUE TEAM TRAINING CREDIT.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for the taxable year under section 45N(a).”.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Sec. 45N. Mine rescue team training credit.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 206. WHISTLEBLOWER REFORMS.

(a) AWARDS TO WHISTLEBLOWERS.—

(1) IN GENERAL.—Section 7623 (relating to expenses of detection of underpayments and fraud, etc.) is amended—

(A) by striking “The Secretary” and inserting “(a) IN GENERAL.—The Secretary”,

(B) by striking “and” at the end of paragraph (1) and inserting “or”,

(C) by striking “(other than interest)”, and

(D) by adding at the end the following new subsection:

“(b) AWARDS TO WHISTLEBLOWERS.—

“(1) IN GENERAL.—If the Secretary proceeds with any administrative or judicial action described in subsection (a) based on information brought to the Secretary’s attention by an individual, such individual shall, subject to paragraph (2), receive as an award at least 15 percent but not more than 30 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action. The determination of the amount of such award by the Whistleblower Office shall depend upon the extent to which the individual substantially contributed to such action.

“(2) AWARD IN CASE OF LESS SUBSTANTIAL CONTRIBUTION.—

“(A) IN GENERAL.—In the event the action described in paragraph (1) is one which the Whistleblower Office determines to be based principally on disclosures of specific allegations (other than information provided by the individual described in paragraph (1)) resulting from a judicial or administrative hearing, from a governmental report, hearing, audit, or investigation, or from the news media, the Whistleblower Office may award such sums as it considers appropriate, but in no case more than 10 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related

actions) or from any settlement in response to such action, taking into account the significance of the individual's information and the role of such individual and any legal representative of such individual in contributing to such action.

“(B) NONAPPLICATION OF PARAGRAPH WHERE INDIVIDUAL IS ORIGINAL SOURCE OF INFORMATION.—Subparagraph (A) shall not apply if the information resulting in the initiation of the action described in paragraph (1) was originally provided by the individual described in paragraph (1).

“(3) REDUCTION IN OR DENIAL OF AWARD.—If the Whistleblower Office determines that the claim for an award under paragraph (1) or (2) is brought by an individual who planned and initiated the actions that led to the underpayment of tax or actions described in subsection (a)(2), then the Whistleblower Office may appropriately reduce such award. If such individual is convicted of criminal conduct arising from the role described in the preceding sentence, the Whistleblower Office shall deny any award.

“(4) APPEAL OF AWARD DETERMINATION.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

“(5) APPLICATION OF THIS SUBSECTION.—This subsection shall apply with respect to any action—

“(A) against any taxpayer, but in the case of any individual, only if such individual's gross income exceeds \$200,000 for any taxable year subject to such action, and

“(B) if the tax, penalties, interest, additions to tax, and additional amounts in dispute exceed \$2,000,000.

“(6) ADDITIONAL RULES.—

“(A) NO CONTRACT NECESSARY.—No contract with the Internal Revenue Service is necessary for any individual to receive an award under this subsection.

“(B) REPRESENTATION.—Any individual described in paragraph (1) or (2) may be represented by counsel.

“(C) SUBMISSION OF INFORMATION.—No award may be made under this subsection based on information submitted to the Secretary unless such information is submitted under penalty of perjury.”

(2) ASSIGNMENT TO SPECIAL TRIAL JUDGES.—

(A) IN GENERAL.—Section 7443A(b) (relating to proceedings which may be assigned to special trial judges) is amended by striking “and” at the end of paragraph (4), by redesignating paragraph (5) as paragraph (6), and by inserting after paragraph (4) the following new paragraph:

“(5) any proceeding under section 7623(b)(4), and”.

(B) CONFORMING AMENDMENT.—Section 7443A(c) is amended by striking “or (4)” and inserting “(4), or (5)”.

(3) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES.—Subsection (a) of section 62 (relating to general rule defining adjusted gross income) is amended by inserting after paragraph (20) the following new paragraph:

“(21) ATTORNEYS FEES RELATING TO AWARDS TO WHISTLEBLOWERS.—Any deduction allowable under this chapter for attorney fees and court costs paid by, or on behalf of, the taxpayer in connection with any award under section 7623(b) (relating to awards to whistleblowers). The preceding sentence shall not apply to any deduction in excess of the amount includable in the taxpayer's gross income for the taxable year on account of such award.”

(b) WHISTLEBLOWER OFFICE.—

(1) IN GENERAL.—Not later than the date which is 12 months after the date of the enactment of this Act, the Secretary of the

Treasury shall issue guidance for the operation of a whistleblower program to be administered in the Internal Revenue Service by an office to be known as the “Whistleblower Office” which—

(A) shall at all times operate at the direction of the Commissioner of Internal Revenue and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner of Internal Revenue,

(B) shall analyze information received from any individual described in section 7623(b) of the Internal Revenue Code of 1986 and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office, and

(C) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual.

(2) REQUEST FOR ASSISTANCE.—The guidance issued under paragraph (1) shall specify that any assistance requested under paragraph (1)(C) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under paragraph (1)(A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

(c) REPORT BY SECRETARY.—The Secretary of the Treasury shall each year conduct a study and report to Congress on the use of section 7623 of the Internal Revenue Code of 1986, including—

(1) an analysis of the use of such section during the preceding year and the results of such use, and

(2) any legislative or administrative recommendations regarding the provisions of such section and its application.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to information provided on or after the date of the enactment of this Act.

SEC. 207. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

“SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

“(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of \$5,000 if—

“(1) such person files what purports to be a return of a tax imposed by this title but which—

“(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

“(B) contains information that on its face indicates that the self-assessment is substantially incorrect, and

“(2) the conduct referred to in paragraph (1)—

“(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

“(B) reflects a desire to delay or impede the administration of Federal tax laws.

“(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

“(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of \$5,000.

“(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

“(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term ‘specified frivolous submission’ means a specified submission if any portion of such submission—

“(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

“(ii) reflects a desire to delay or impede the administration of Federal tax laws.

“(B) SPECIFIED SUBMISSION.—The term ‘specified submission’ means—

“(i) a request for a hearing under—

“(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

“(II) section 6330 (relating to notice and opportunity for hearing before levy), and

“(ii) an application under—

“(I) section 6159 (relating to agreements for payment of tax liability in installments),

“(II) section 7122 (relating to compromises), or

“(III) section 7811 (relating to taxpayer assistance orders).

“(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

“(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

“(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

“(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.”

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

“(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.”

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking “(A)” and inserting “(A)(i)”;

(B) by striking “(B)” and inserting “(ii)”;

(C) by striking the period at the end of the first sentence and inserting “; or”;

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

“(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).”

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking “under subsection (a)(3)(B)” and inserting “in writing under subsection (a)(3)(B) and states the grounds for the requested hearing”.

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking “under subsection (a)(3)(B)” and inserting “in writing under subsection (a)(3)(B) and states the grounds for the requested hearing”, and

(2) in subsection (c), by striking “and (e)” and inserting “(e), and (g)”.

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

“(f) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.”

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

“Sec. 6702. Frivolous tax submissions.”

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 208. ADDITION OF MENINGOCOCCAL AND HUMAN PAPILLOMAVIRUS VACCINES TO LIST OF TAXABLE VACCINES.

(a) MENINGOCOCCAL VACCINE.—Section 4132(a)(1) (defining taxable vaccine) is amended by adding at the end the following new subparagraph:

“(O) Any meningococcal vaccine.”

(b) HUMAN PAPILLOMAVIRUS VACCINE.—Section 4132(a)(1), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

“(P) Any vaccine against the human papillomavirus.”

(c) EFFECTIVE DATE.—

(1) SALES, ETC.—The amendments made by this section shall apply to sales and uses on or after the first day of the first month which begins more than 4 weeks after the date of the enactment of this Act.

(2) DELIVERIES.—For purposes of paragraph (1) and section 4131 of the Internal Revenue Code of 1986, in the case of sales on or before the effective date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

SEC. 209. CLARIFICATION OF TAXATION OF CERTAIN SETTLEMENT FUNDS MADE PERMANENT.

(a) IN GENERAL.—Subsection (g) of section 468B, as amended by section 201 of the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 201 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 210. MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355 MADE PERMANENT.

(a) IN GENERAL.—Subparagraphs (A) and (D) of section 355(b)(3), as amended by section 202 of the Tax Increase Prevention and Reconciliation Act of 2005, are each amended by striking “and on or before December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 202 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 211. REVISION OF STATE VETERANS LIMIT MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (B) of section 143(l)(3), as amended by section 203 of the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking clause (iv).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 203 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 212. CAPITAL GAINS TREATMENT FOR CERTAIN SELF-CREATED MUSICAL WORKS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (3) of section 1221(b), as amended by section 204 of the Tax

Increase Prevention and Reconciliation Act of 2005, is amended by striking “before January 1, 2011.”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 204 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 213. REDUCTION IN MINIMUM VESSEL TONNAGE WHICH QUALIFIES FOR TONNAGE TAX MADE PERMANENT.

(a) IN GENERAL.—Paragraph (4) of section 1355(a), as amended by section 205 of the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking “10,000 (6,000, in the case of taxable years beginning after December 31, 2005, and ending before January 1, 2011)” and inserting “6,000”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 205 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 214. MODIFICATION OF SPECIAL ARBITRAGE RULE FOR CERTAIN FUNDS MADE PERMANENT.

(a) IN GENERAL.—Section 206 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking “and before August 31, 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 206 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 215. GREAT LAKES DOMESTIC SHIPPING TO NOT DISQUALIFY VESSEL FROM TONNAGE TAX.

(a) IN GENERAL.—Section 1355 (relating to definitions and special rules) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

“(g) GREAT LAKES DOMESTIC SHIPPING TO NOT DISQUALIFY VESSEL.—

“(1) IN GENERAL.—If the electing corporation elects (at such time and in such manner as the Secretary may require) to apply this subsection for any taxable year to any qualifying vessel which is used in qualified zone domestic trade during the taxable year—

“(A) solely for purposes of subsection (a)(4), such use shall be treated as use in United States foreign trade (and not as use in United States domestic trade), and

“(B) subsection (f) shall not apply with respect to such vessel for such taxable year.

“(2) EFFECT OF TEMPORARILY OPERATING VESSEL IN UNITED STATES DOMESTIC TRADE.—In the case of a qualifying vessel to which this subsection applies—

“(A) IN GENERAL.—An electing corporation shall be treated as using such vessel in qualified zone domestic trade during any period of temporary use in the United States domestic trade (other than qualified zone domestic trade) if the electing corporation gives timely notice to the Secretary stating—

“(i) that it temporarily operates or has operated in the United States domestic trade (other than qualified zone domestic trade) a qualifying vessel which had been used in the United States foreign trade or qualified zone domestic trade, and

“(ii) its intention to resume operation of the vessel in the United States foreign trade or qualified zone domestic trade.

“(B) NOTICE.—Notice shall be deemed timely if given not later than the due date (including extensions) for the corporation’s tax return for the taxable year in which the temporary cessation begins.

“(C) PERIOD DISREGARD IN EFFECT.—The period of temporary use under subparagraph (A) continues until the earlier of the date of which—

“(i) the electing corporation abandons its intention to resume operations of the vessel in the United States foreign trade or qualified zone domestic trade, or

“(ii) the electing corporation resumes operation of the vessel in the United States

foreign trade or qualified zone domestic trade.

“(D) NO DISREGARD IF DOMESTIC TRADE USE EXCEEDS 30 DAYS.—Subparagraph (A) shall not apply to any qualifying vessel which is operated in the United States domestic trade (other than qualified zone domestic trade) for more than 30 days during the taxable year.

“(3) ALLOCATION OF INCOME AND DEDUCTIONS TO QUALIFYING SHIPPING ACTIVITIES.—In the case of a qualifying vessel to which this subsection applies, the Secretary shall prescribe rules for the proper allocation of income, expenses, losses, and deductions between the qualified shipping activities and the other activities of such vessel.

“(4) QUALIFIED ZONE DOMESTIC TRADE.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified zone domestic trade’ means the transportation of goods or passengers between places in the qualified zone if such transportation is in the United States domestic trade.

“(B) QUALIFIED ZONE.—The term ‘qualified zone’ means the Great Lakes Waterway and the St. Lawrence Seaway.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 216. USE OF QUALIFIED MORTGAGE BONDS TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.

(a) IN GENERAL.—Section 143(d)(2) (relating to exceptions to 3-year requirement) is amended by striking “and” at the end of subparagraph (B), by adding “and” at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

“(D) in the case of bonds issued after the date of the enactment of this subparagraph and before January 1, 2008, financing of any residence for a veteran (as defined in section 101 of title 38, United States Code), if such veteran has not previously qualified for and received such financing by reason of this subparagraph.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 217. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY CERTAIN EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Subparagraph (A) of section 121(d)(9) (relating to exclusion of gain from sale of principal residence) is amended by striking “duty” and all that follows and inserting “duty—

“(i) as a member of the uniformed services,

“(ii) as a member of the Foreign Service of the United States, or

“(iii) as an employee of the intelligence community.”

(b) EMPLOYEE OF INTELLIGENCE COMMUNITY DEFINED.—Subparagraph (C) of section 121(d)(9) is amended by redesignating clause (iv) as clause (v) and by inserting after clause (iii) the following new clause:

“(iv) EMPLOYEE OF INTELLIGENCE COMMUNITY.—The term ‘employee of the intelligence community’ means an employee (as defined by section 2105 of title 5, United States Code) of—

“(I) the Office of the Director of National Intelligence,

“(II) the Central Intelligence Agency,

“(III) the National Security Agency,

“(IV) the Defense Intelligence Agency,

“(V) the National Geospatial-Intelligence Agency,

“(VI) the National Reconnaissance Office,

“(VII) any other office within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs,

“(VIII) any of the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, the Department of Treasury, the Department of Energy, and the Coast Guard,

“(IX) the Bureau of Intelligence and Research of the Department of State, or

“(X) any of the elements of the Department of Homeland Security concerned with the analyses of foreign intelligence information.”.

(c) SPECIAL RULE.—Subparagraph (C) of section 121(d)(9), as amended by subsection (b), is amended by adding at the end the following new clause:

“(vi) SPECIAL RULE RELATING TO INTELLIGENCE COMMUNITY.—An employee of the intelligence community shall not be treated as serving on qualified extended duty unless such duty is at a duty station located outside the United States.”.

(d) CONFORMING AMENDMENT.—The heading for section 121(d)(9) is amended to read as follows: “UNIFORMED SERVICES, FOREIGN SERVICE, AND INTELLIGENCE COMMUNITY”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act and before January 1, 2011.

SEC. 218. TREATMENT OF COKE AND COKE GAS.

(a) NONAPPLICATION OF PHASEOUT.—Section 45K(g)(2) is amended by adding at the end the following new subparagraph:

“(D) NONAPPLICATION OF PHASEOUT.—Subsection (b)(1) shall not apply.”.

(b) CLARIFICATION OF QUALIFYING FACILITY.—Section 45K(g)(1) is amended by inserting “(other than from petroleum based products)” after “coke or coke gas”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1321 of the Energy Policy Act of 2005.

SEC. 219. SALE OF PROPERTY BY JUDICIAL OFFICERS.

(a) IN GENERAL.—Section 1043(b) (relating to the sale of property to comply with conflict-of-interest requirements) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting “, or a judicial officer,” after “an officer or employee of the executive branch”; and

(B) in subparagraph (B), by inserting “judicial canon,” after “any statute, regulation, rule.”;

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting “judicial canon,” after “any Federal conflict of interest statute, regulation, rule.”; and

(B) in subparagraph (B), by inserting after “the Director of the Office of Government Ethics,” the following: “in the case of executive branch officers or employees, or by the Judicial Conference of the United States (or its designee), in the case of judicial officers.”; and

(3) in paragraph (5)(B), by inserting “judicial canon,” after “any statute, regulation, rule.”.

(b) JUDICIAL OFFICER DEFINED.—Section 1043(b) is amended by adding at the end the following new paragraph:

“(6) JUDICIAL OFFICER.—The term ‘judicial officer’ means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United

States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of enactment of this Act.

SEC. 220. PREMIUMS FOR MORTGAGE INSURANCE.

(a) IN GENERAL.—Section 163(h)(3) (relating to qualified residence interest) is amended by adding at the end the following new subparagraph:

“(E) MORTGAGE INSURANCE PREMIUMS TREATED AS INTEREST.—

“(i) IN GENERAL.—Premiums paid or accrued for qualified mortgage insurance by a taxpayer during the taxable year in connection with acquisition indebtedness with respect to a qualified residence of the taxpayer shall be treated for purposes of this section as interest which is qualified residence interest.

“(ii) PHASEOUT.—The amount otherwise treated as interest under clause (i) shall be reduced (but not below zero) by 10 percent of such amount for each \$1,000 (\$500 in the case of a married individual filing a separate return) (or fraction thereof) that the taxpayer’s adjusted gross income for the taxable year exceeds \$100,000 (\$50,000 in the case of a married individual filing a separate return).

“(iii) LIMITATION.—Clause (i) shall not apply with respect to any mortgage insurance contracts issued before January 1, 2007.

“(iv) TERMINATION.—Clause (i) shall not apply to amounts—

“(I) paid or accrued after December 31, 2007, or

“(II) properly allocable to any period after such date.”.

(b) DEFINITION AND SPECIAL RULES.—Section 163(h)(4) (relating to other definitions and special rules) is amended by adding at the end the following new subparagraphs:

“(B) QUALIFIED MORTGAGE INSURANCE.—The term ‘qualified mortgage insurance’ means—

“(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

“(ii) private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), as in effect on the date of the enactment of this subparagraph).

“(F) SPECIAL RULES FOR PREPAID QUALIFIED MORTGAGE INSURANCE.—Any amount paid by the taxpayer for qualified mortgage insurance that is properly allocable to any mortgage the payment of which extends to periods that are after the close of the taxable year in which such amount is paid shall be chargeable to capital account and shall be treated as paid in such periods to which so allocated. No deduction shall be allowed for the unamortized balance of such account if such mortgage is satisfied before the end of its term. The preceding sentences shall not apply to amounts paid for qualified mortgage insurance provided by the Veterans Administration or the Rural Housing Administration.”.

(c) INFORMATION RETURNS RELATING TO MORTGAGE INSURANCE.—Section 6050H (relating to returns relating to mortgage interest received in trade or business from individuals) is amended by adding at the end the following new subsection:

“(h) RETURNS RELATING TO MORTGAGE INSURANCE PREMIUMS.—

“(1) IN GENERAL.—The Secretary may prescribe, by regulations, that any person who, in the course of a trade or business, receives from any individual premiums for mortgage insurance aggregating \$600 or more for any calendar year, shall make a return with respect to each such individual. Such return

shall be in such form, shall be made at such time, and shall contain such information as the Secretary may prescribe.

“(2) STATEMENT TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under paragraph (1) shall furnish to each individual with respect to whom a return is made a written statement showing such information as the Secretary may prescribe. Such written statement shall be furnished on or before January 31 of the year following the calendar year for which the return under paragraph (1) was required to be made.

“(3) SPECIAL RULES.—For purposes of this subsection—

“(A) rules similar to the rules of subsection (c) shall apply, and

“(B) the term ‘mortgage insurance’ means—

“(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

“(ii) private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), as in effect on the date of the enactment of this subsection).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or accrued after December 31, 2006.

SEC. 221. MODIFICATION OF REFUNDS FOR KEROSENE USED IN AVIATION.

(a) IN GENERAL.—Paragraph (4) of section 6427(1) (relating to nontaxable uses of diesel fuel and kerosene) is amended to read as follows:

“(4) REFUNDS FOR KEROSENE USED IN AVIATION.—

“(A) KEROSENE USED IN COMMERCIAL AVIATION.—In the case of kerosene used in commercial aviation (as defined in section 4083(b)) (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), paragraph (1) shall not apply to so much of the tax imposed by section 4041 or 4081, as the case may be, as is attributable to—

“(i) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

“(ii) so much of the rate of tax specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be, as does not exceed 4.3 cents per gallon.

“(B) KEROSENE USED IN NONCOMMERCIAL AVIATION.—In the case of kerosene used in aviation that is not commercial aviation (as so defined) (other than any use which is exempt from the tax imposed by section 4041(c) other than by reason of a prior imposition of tax), paragraph (1) shall not apply to—

“(i) any tax imposed by section 4041(c), and

“(ii) so much of the tax imposed by section 4081 as is attributable to—

“(I) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

“(II) so much of the rate of tax specified in section 4081(a)(2)(A)(iii) as does not exceed the rate specified in section 4081(a)(2)(C)(ii).

“(C) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—

“(i) IN GENERAL.—With respect to any kerosene used in aviation (other than kerosene described in clause (ii) or kerosene to which paragraph (5) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

“(I) is registered under section 4101, and

“(II) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).”

“(ii) PAYMENTS FOR KEROSENE USED IN NON-COMMERCIAL AVIATION.—The amount which would be paid under paragraph (1) with respect to any kerosene to which subparagraph (B) applies shall be paid only to the ultimate vendor of such kerosene. A payment shall be made to such vendor if such vendor—

“(I) is registered under section 4101, and

“(II) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).”

(b) CONFORMING AMENDMENTS.—

(1) Section 6427(1) is amended by striking paragraph (5) and by redesignating paragraph (6) as paragraph (5).

(2) Section 4082(d)(2)(B) is amended by striking “section 6427(1)(6)(B)” and inserting “section 6427(1)(5)(B)”.

(3) Section 6427(i)(4)(A) is amended—

(A) by striking “paragraph (4)(B), (5), or (6)” each place it appears and inserting “paragraph (4)(C) or (5)”, and

(B) by striking “(1)(5), and (1)(6)” and inserting “(1)(4)(C)(ii), and (1)(5)”.

(4) Section 6427(1)(1) is amended by striking “paragraph (4)(B)” and inserting “paragraph (4)(C)(i)”.

(5) Section 9502(d) is amended—

(A) in paragraph (2), by striking “and (1)(5)”, and

(B) in paragraph (3), by striking “or (5)”.

(6) Section 9503(c)(7) is amended—

(A) by amending subparagraphs (A) and (B) to read as follows:

“(A) 4.3 cents per gallon of kerosene subject to section 6427(1)(4)(A) with respect to which a payment has been made by the Secretary under section 6427(1), and

“(B) 21.8 cents per gallon of kerosene subject to section 6427(1)(4)(B) with respect to which a payment has been made by the Secretary under section 6427(1).”, and

(B) in the matter following subparagraph (B), by striking “or (5)”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to kerosene sold after September 30, 2005.

(2) SPECIAL RULE FOR PENDING CLAIMS.—In the case of kerosene sold for use in aviation (other than kerosene to which section 6427(1)(4)(C)(ii) of the Internal Revenue Code of 1986 (as added by subsection (a)) applies or kerosene to which section 6427(1)(5) of such Code (as redesignated by subsection (b)) applies) after September 30, 2005, and before the date of the enactment of this Act, the ultimate purchaser shall be treated as having waived the right to payment under section 6427(1)(1) of such Code and as having assigned such right to the ultimate vendor if such ultimate vendor has met the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1) of such Code.

(d) SPECIAL RULE FOR KEROSENE USED IN AVIATION ON A FARM FOR FARMING PURPOSES.—

(1) REFUNDS FOR PURCHASES AFTER DECEMBER 31, 2004, AND BEFORE OCTOBER 1, 2005.—The Secretary of the Treasury shall pay to the ultimate purchaser of any kerosene which is used in aviation on a farm for farming purposes and which was purchased after December 31, 2004, and before October 1, 2005, an amount equal to the aggregate amount of tax imposed on such fuel under section 4041 or 4081 of the Internal Revenue Code of 1986, as the case may be, reduced by any payment to the ultimate vendor under section 6427(1)(5)(C) of such Code (as in effect on the day before the date of the enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users).

(2) USE ON A FARM FOR FARMING PURPOSES.—For purposes of paragraph (1), kerosene shall be treated as used on a farm for farming purposes if such kerosene is used for

farming purposes (within the meaning of section 6420(c)(3) of the Internal Revenue Code of 1986) in carrying on a trade or business on a farm situated in the United States. For purposes of the preceding sentence, rules similar to the rules of section 6420(c)(4) of such Code shall apply.

(3) TIME FOR FILING CLAIMS.—No claim shall be allowed under paragraph (1) unless the ultimate purchaser files such claim before the date that is 3 months after the date of the enactment of this Act.

(4) NO DOUBLE BENEFIT.—No amount shall be paid under paragraph (1) or section 6427(1) of the Internal Revenue Code of 1986 with respect to any kerosene described in paragraph (1) to the extent that such amount is in excess of the tax imposed on such kerosene under section 4041 or 4081 of such Code, as the case may be.

(5) APPLICABLE LAWS.—For purposes of this subsection, rules similar to the rules of section 6427(j) of the Internal Revenue Code of 1986 shall apply.

SEC. 222. DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 is amended by adding at the end the following new section:

“SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

“(a) IN GENERAL.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income equal to 60 percent of the lesser of—

“(1) the taxpayer’s qualified timber gain for such year, or

“(2) the taxpayer’s net capital gain for such year.

“(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term ‘qualified timber gain’ means, with respect to any taxpayer for any taxable year, the excess (if any) of—

“(1) the sum of the taxpayer’s gains described in subsections (a) and (b) of section 631 for such year, over

“(2) the sum of the taxpayer’s losses described in such subsections for such year.

“(c) SPECIAL RULES FOR PASS-THRU ENTITIES.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10))—

“(1) the election under this section shall be made separately by each taxpayer subject to tax on such gain, and

“(2) the Secretary may prescribe such regulations as are appropriate to apply this section to such gain.

“(d) TERMINATION.—No disposition of timber after December 31, 2007, shall be taken into account under subsection (b).”

(b) COORDINATION WITH MAXIMUM CAPITAL GAINS RATES.—

(1) TAXPAYERS OTHER THAN CORPORATIONS.—Paragraph (2) of section 1(h) is amended to read as follows:

“(2) REDUCTION OF NET CAPITAL GAIN.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

“(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

“(B) in the case of a taxable year with respect to which an election is in effect under section 1203, the lesser of—

“(i) the amount described in paragraph (1) of section 1203(a), or

“(ii) the amount described in paragraph (2) of such section.”

(2) CORPORATIONS.—Section 1201 is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

“(b) QUALIFIED TIMBER GAIN NOT TAKEN INTO ACCOUNT.—For purposes of this section,

in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation’s qualified timber gain (as defined in section 1203(b)).”

(c) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62, as amended by this Act, is amended by inserting before the last sentence the following new paragraph:

“(22) QUALIFIED TIMBER GAINS.—The deduction allowed by section 1203.”

(d) DEDUCTION ALLOWED IN COMPUTING ADJUSTED CURRENT EARNINGS.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

“(vii) DEDUCTION FOR QUALIFIED TIMBER GAIN.—Clause (i) shall not apply to any deduction allowed under section 1203.”

(e) DEDUCTION ALLOWED IN COMPUTING TAXABLE INCOME OF ELECTING SMALL BUSINESS TRUSTS.—Subparagraph (C) of section 641(c)(2) is amended by inserting after clause (iii) the following new clause:

“(iv) The deduction allowed under section 1203.”

(f) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 172(d)(2) is amended to read as follows:

“(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed.”

(2) Paragraph (4) of section 642(c) is amended by striking the first sentence and inserting the following: “To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203.”

(3) Paragraph (3) of section 643(a) is amended by striking the last sentence and inserting the following: “The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account.”

(4) Subparagraph (C) of section 643(a)(6) is amended to read as follows:

“(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

“(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

“(ii) the deduction under section 1203 shall not be taken into account.”

(5) Paragraph (4) of section 691(c) is amended by inserting “1203,” after “1202.”

(6) Paragraph (2) of section 871(a) is amended by striking “section 1202” and inserting “sections 1202 and 1203”.

(7) The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end the following new item:

“Sec. 1203. Deduction for qualified timber gain.”

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) TAXABLE YEARS WHICH INCLUDE DATE OF ENACTMENT.—In the case of any taxable year which includes the date of the enactment of this Act, for purposes of the Internal Revenue Code of 1986, the taxpayer’s qualified timber gain shall not exceed the excess that would be described in section 1203(b) of such Code, as added by this section, if only dispositions of timber after such date were taken into account.

SEC. 223. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

(a) IN GENERAL.—Subpart H of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new section:

“SEC. 54A. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

“(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a rural renaissance bond on a credit allowance date of such bond, which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

“(b) AMOUNT OF CREDIT.—

“(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a rural renaissance bond is 25 percent of the annual credit determined with respect to such bond.

“(2) ANNUAL CREDIT.—The annual credit determined with respect to any rural renaissance bond is the product of—

“(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

“(B) the outstanding face amount of the bond.

“(3) DETERMINATION.—For purposes of paragraph (2), with respect to any rural renaissance bond, the Secretary shall determine daily or caused to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of rural renaissance bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

“(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term ‘credit allowance date’ means—

“(A) March 15,

“(B) June 15,

“(C) September 15, and

“(D) December 15.

Such term also includes the last day on which the bond is outstanding.

“(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

“(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(2) the sum of the credits allowable under this part (other than subpart C and this section).

“(d) RURAL RENAISSANCE BOND.—For purposes of this section—

“(1) IN GENERAL.—The term ‘rural renaissance bond’ means any bond issued as part of an issue if—

“(A) the bond is issued by a qualified issuer,

“(B) 95 percent or more of the proceeds from the sale of such issue are to be used for capital expenditures incurred for 1 or more qualified projects,

“(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

“(D) the issue meets the requirements of subsections (e) and (h).

“(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

“(A) IN GENERAL.—The term ‘qualified project’ means 1 or more projects described in subparagraph (B) located in a rural area.

“(B) PROJECTS DESCRIBED.—A project described in this subparagraph is—

“(i) a water or waste treatment project,

“(ii) an affordable housing project,

“(iii) a community facility project, including hospitals, fire and police stations, and nursing and assisted-living facilities,

“(iv) a value-added agriculture or renewable energy facility project for agricultural producers or farmer-owned entities, including any project to promote the production, processing, or retail sale of ethanol (including fuel at least 85 percent of the volume of which consists of ethanol), biodiesel, animal waste, biomass, raw commodities, or wind as a fuel,

“(v) a distance learning or telemedicine project,

“(vi) a rural utility infrastructure project, including any electric or telephone system,

“(vii) a project to expand broadband technology,

“(viii) a rural teleworks project, and

“(ix) any project described in any preceding clause carried out by the Delta Regional Authority.

“(C) SPECIAL RULES.—For purposes of this paragraph—

“(i) any project described in subparagraph (B)(iv) for a farmer-owned entity may be considered a qualified project if such entity is located in a rural area, or in the case of a farmer-owned entity the headquarters of which are located in a nonrural area, if the project is located in a rural area, and

“(ii) any project for a farmer-owned entity which is a facility described in subparagraph (B)(iv) for agricultural producers may be considered a qualified project regardless of whether the facility is located in a rural or nonrural area.

“(3) SPECIAL USE RULES.—

“(A) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a rural renaissance bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred after the date of the enactment of this section.

“(B) REIMBURSEMENT.—For purposes of paragraph (1)(B), a rural renaissance bond may be issued to reimburse a borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

“(i) prior to the payment of the original expenditure, the borrower declared its intent to reimburse such expenditure with the proceeds of a rural renaissance bond,

“(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

“(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

“(C) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a borrower takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to

prevent an action described in the preceding sentence from causing a bond to fail to be a rural renaissance bond.

“(e) MATURITY LIMITATIONS.—

“(1) DURATION OF TERM.—A bond shall not be treated as a rural renaissance bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

“(2) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined without regard to the requirements of paragraph (3) and using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

“(3) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a rural renaissance bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each calendar year that the issue is outstanding.

“(f) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

“(1) NATIONAL LIMITATION.—There is a rural renaissance bond limitation of \$200,000,000.

“(2) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in paragraph (1) among qualified projects in such manner as the Secretary determines appropriate.

“(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

“(h) SPECIAL RULES RELATING TO EXPENDITURES.—

“(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

“(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the rural renaissance bond,

“(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the rural renaissance bond or, in the case of a rural renaissance bond, the proceeds of which are to be loaned to 2 or more borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a borrower, and

“(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

“(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

“(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of

issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

“(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a rural renaissance bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

“(j) QUALIFIED ISSUER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified issuer’ means any not-for-profit cooperative lender which has as of the date of the enactment of this section received a guarantee under section 306 of the Rural Electrification Act and which meets the requirement of paragraph (2).

“(2) USER FEE REQUIREMENT.—The requirement of this paragraph is met if the issuer of any rural renaissance bond makes grants for qualified projects as defined under subsection (d)(2) on a semi-annual basis every year that such bond is outstanding in an annual amount equal to one-half of the rate on United States Treasury Bills of the same maturity multiplied by the outstanding principal balance of rural renaissance bonds issued by such issuer.

“(k) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to a loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

“(l) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) BOND.—The term ‘bond’ includes any obligation.

“(2) POOLED FINANCING BOND.—The term ‘pooled financing bond’ shall have the meaning given such term by section 149(f)(4)(A).

“(3) RURAL AREA.—The term ‘rural area’ means any area other than—

“(A) a city or town which has a population of greater than 50,000 inhabitants, or

“(B) the urbanized area contiguous and adjacent to such a city or town.

“(4) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

“(A) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

“(B) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(1) shall apply.

“(5) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any rural renaissance bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

“(6) REPORTING.—Issuers of rural renaissance bonds shall submit reports similar to the reports required under section 149(e).”

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

“(9) REPORTING OF CREDIT ON RURAL RENAISSANCE BONDS.—

“(A) IN GENERAL.—For purposes of subsection (a), the term ‘interest’ includes amounts includible in gross income under section 54A(f) and such amounts shall be

treated as paid on the credit allowance date (as defined in section 54A(b)(4)).

“(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

“(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.”

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart H of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Sec. 54A. Credit to holders of rural renaissance bonds.”

(2) Section 54(c)(2) is amended by inserting “, section 54A,” after “subpart C”.

(3) Section 1400N(1)(3)(B) is amended by inserting “, section 54A,” after “subpart C”.

(d) ISSUANCE OF REGULATIONS.—The Secretary of Treasury shall issue regulations required under section 54A of the Internal Revenue Code of 1986 (as added by this section) not later than 120 days after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act and before January 1, 2010.

SEC. 224. RESTORATION OF DEDUCTION FOR TRAVEL EXPENSES OF SPOUSE, ETC. ACCOMPANYING TAXPAYER ON BUSINESS TRAVEL.

(a) IN GENERAL.—Subsection (m) of section 274 (relating to additional limitations on travel expenses) is amended by adding at the end the following new paragraph:

“(4) TERMINATION.—Paragraph (3) shall not apply to any expense paid or incurred after the date of the enactment of this paragraph and before January 1, 2008.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 225. TECHNICAL CORRECTIONS.

(a) TECHNICAL CORRECTION RELATING TO LOOK-THROUGH TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER THE FOREIGN PERSONAL HOLDING COMPANY RULES.—

(1) IN GENERAL.—

(A) The first sentence of section 954(c)(6)(A), as amended by section 103(b) of the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking “which is not subpart F income” and inserting “which is neither subpart F income nor income treated as effectively connected with the conduct of a trade or business in the United States”.

(B) Section 954(c)(6)(A), as so amended, is amended by striking the last sentence and inserting the following: “The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including such regulations as may be necessary or appropriate to prevent the abuse of the purposes of this paragraph.”

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in section 103(b) of the Tax Increase Prevention and Reconciliation Act of 2005.

(b) TECHNICAL CORRECTION REGARDING AUTHORITY TO EXERCISE REASONABLE CAUSE AND GOOD FAITH EXCEPTION.—

(1) IN GENERAL.—Section 903(d)(2)(B)(iii) of the American Jobs Creation Act of 2004, as amended by section 303(a) of the Gulf Opportunity Zone Act of 2005, is amended by in-

serting “or the Secretary’s delegate” after “the Secretary of the Treasury”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

TITLE III—SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 2006

SEC. 301. SHORT TITLE.

This title may be cited as the “Surface Mining Control and Reclamation Act Amendments of 2006”.

Subtitle A—Mining Control and Reclamation

SEC. 311. ABANDONED MINE RECLAMATION FUND AND PURPOSES.

(a) IN GENERAL.—Section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) is amended—

(1) in subsection (c)—

(A) by striking paragraphs (2) and (6); and

(B) by redesignating paragraphs (3), (4), and (5) and paragraphs (7) through (13) as paragraphs (2) through (11), respectively;

(2) by striking subsection (d) and inserting the following:

“(d) AVAILABILITY OF MONEYS; NO FISCAL YEAR LIMITATION.—

“(1) IN GENERAL.—Moneys from the fund for expenditures under subparagraphs (A) through (D) of section 402(g)(3) shall be available only when appropriated for those subparagraphs.

“(2) NO FISCAL YEAR LIMITATION.—Appropriations described in paragraph (1) shall be made without fiscal year limitation.

“(3) OTHER PURPOSES.—Moneys from the fund shall be available for all other purposes of this title without prior appropriation as provided in subsection (f).”

(3) in subsection (e)—

(A) in the second sentence, by striking “the needs of such fund” and inserting “achieving the purposes of the transfers under section 402(h)”; and

(B) in the third sentence, by inserting before the period the following: “for the purpose of the transfers under section 402(h)”; and

(4) by adding at the end the following:

“(f) GENERAL LIMITATION ON OBLIGATION AUTHORITY.—

“(1) IN GENERAL.—From amounts deposited into the fund under subsection (b), the Secretary shall distribute during each fiscal year beginning after September 30, 2007, an amount determined under paragraph (2).

“(2) AMOUNTS.—

“(A) FOR FISCAL YEARS 2008 THROUGH 2022.—For each of fiscal years 2008 through 2022, the amount distributed by the Secretary under this subsection shall be equal to—

“(i) the amounts deposited into the fund under paragraphs (1), (2), and (4) of subsection (b) for the preceding fiscal year that were allocated under paragraphs (1) and (5) of section 402(g); plus

“(ii) the amount needed for the adjustment under section 402(g)(8) for the current fiscal year.

“(B) FISCAL YEARS 2023 AND THEREAFTER.—For fiscal year 2023 and each fiscal year thereafter, to the extent that funds are available, the Secretary shall distribute an amount equal to the amount distributed under subparagraph (A) during fiscal year 2022.

“(3) DISTRIBUTION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), for each fiscal year, of the amount to be distributed to States and Indian tribes pursuant to paragraph (2), the Secretary shall distribute—

“(i) the amounts allocated under paragraph (1) of section 402(g), the amounts allocated under paragraph (5) of section 402(g), and any amount reallocated under section

411(h)(3) in accordance with section 411(h)(2), for grants to States and Indian tribes under section 402(g)(5); and

“(ii) the amounts allocated under section 402(g)(8).

“(B) EXCLUSION.—Beginning on October 1, 2007, certified States shall be ineligible to receive amounts under section 402(g)(1).

“(4) AVAILABILITY.—Amounts in the fund available to the Secretary for obligation under this subsection shall be available until expended.

“(5) ADDITION.—

“(A) IN GENERAL.—Subject to subparagraph (B), the amount distributed under this subsection for each fiscal year shall be in addition to the amount appropriated from the fund during the fiscal year.

“(B) EXCEPTIONS.—Notwithstanding paragraph (3), the amount distributed under this subsection for the first 4 fiscal years beginning on and after October 1, 2007, shall be equal to the following percentage of the amount otherwise required to be distributed:

“(i) 50 percent in fiscal year 2008.

“(ii) 50 percent in fiscal year 2009.

“(iii) 75 percent in fiscal year 2010.

“(iv) 75 percent in fiscal year 2011.”

(b) CONFORMING AMENDMENT.—Section 712(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1302(b)) is amended by striking “section 401(c)(11)” and inserting “section 401(c)(9)”.

SEC. 312. RECLAMATION FEE.

(a) AMOUNTS.—

(1) FISCAL YEARS 2008–2012.—Effective October 1, 2007, section 402(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(a)) is amended—

(A) by striking “35” and inserting “31.5”;

(B) by striking “15” and inserting “13.5”;

(C) by striking “10 cents” and inserting “9 cents”.

(2) FISCAL YEARS 2013–2021.—Effective October 1, 2012, section 402(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(a)) (as amended by paragraph (1)) is amended—

(A) by striking “31.5” and inserting “28”;

(B) by striking “13.5” and inserting “12”;

(C) by striking “9 cents” and inserting “8 cents”.

(b) DURATION.—Effective September 30, 2007, section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) (as amended by section 7007 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 484)) is amended by striking “September 30, 2007” and all that follows through the end of the sentence and inserting “September 30, 2021.”

(c) ALLOCATION OF FUNDS.—Section 402(g) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)) is amended—

(1) in paragraph (1)(D)—

(A) by inserting “(except for grants awarded during fiscal years 2008, 2009, and 2010 to the extent not expended within 5 years)” after “this paragraph”; and

(B) by striking “in any area under paragraph (2), (3), (4), or (5)” and inserting “under paragraph (5)”;

(2) by striking paragraph (2) and inserting:

“(2) In making the grants referred to in paragraph (1)(C) and the grants referred to in paragraph (5), the Secretary shall ensure strict compliance by the States and Indian tribes with the priorities described in section 403(a) until a certification is made under section 411(a).”;

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “paragraphs (2) and” and inserting “paragraph”;

(B) in subparagraph (A), by striking “401(c)(11)” and inserting “401(c)(9)”;

(C) by adding at the end the following:

“(E) For the purpose of paragraph (8).”;

(4) in paragraph (5)—

(A) by inserting “(A)” after “(5)”;

(B) in the first sentence, by striking “40” and inserting “60”;

(C) in the last sentence, by striking “Funds allocated or expended by the Secretary under paragraphs (2), (3), or (4)” and inserting “Funds made available under paragraph (3) or (4)”;

(D) by adding at the end the following:

“(B) Any amount that is reallocated and available under section 411(h)(3) shall be in addition to amounts that are allocated under subparagraph (A).”;

(5) by striking paragraphs (6) through (8) and inserting the following:

“(6)(A) Any State with an approved abandoned mine reclamation program pursuant to section 405 may receive and retain, without regard to the 3-year limitation referred to in paragraph (1)(D), up to 30 percent of the total of the grants made annually to the State under paragraphs (1) and (5) if those amounts are deposited into an acid mine drainage abatement and treatment fund established under State law, from which amounts (together with all interest earned on the amounts) are expended by the State for the abatement of the causes and the treatment of the effects of acid mine drainage in a comprehensive manner within qualified hydrologic units affected by coal mining practices.

“(B) In this paragraph, the term ‘qualified hydrologic unit’ means a hydrologic unit—

“(i) in which the water quality has been significantly affected by acid mine drainage from coal mining practices in a manner that adversely impacts biological resources; and

“(ii) that contains land and water that are—

“(I) eligible pursuant to section 404 and include any of the priorities described in section 403(a); and

“(II) the subject of expenditures by the State from the forfeiture of bonds required under section 509 or from other States sources to abate and treat acid mine drainage.

“(7) In complying with the priorities described in section 403(a), any State or Indian tribe may use amounts available in grants made annually to the State or tribe under paragraphs (1) and (5) for the reclamation of eligible land and water described in section 403(a)(3) before the completion of reclamation projects under paragraphs (1) and (2) of section 403(a) only if the expenditure of funds for the reclamation is done in conjunction with the expenditure before, on, or after the date of enactment of the Surface Mining Control and Reclamation Act Amendments of 2006 of funds for reclamation projects under paragraphs (1) and (2) of section 403(a).

“(8)(A) In making funds available under this title, the Secretary shall ensure that the grant awards total not less than \$3,000,000 annually to each State and each Indian tribe having an approved abandoned mine reclamation program pursuant to section 405 and eligible land and water pursuant to section 404, so long as an allocation of funds to the State or tribe is necessary to achieve the priorities stated in paragraphs (1) and (2) of section 403(a).

“(B) Notwithstanding any other provision of law, this paragraph applies to the States of Tennessee and Missouri.”

(d) TRANSFERS OF INTEREST EARNED BY ABANDONED MINE RECLAMATION FUND.—Section 402 of the Surface Mining Control and

Reclamation Act of 1977 (30 U.S.C. 1232) is amended by striking subsection (h) and inserting the following:

“(h) TRANSFERS OF INTEREST EARNED BY FUND.—

“(1) IN GENERAL.—

“(A) TRANSFERS TO COMBINED BENEFIT FUND.—As soon as practicable after the beginning of fiscal year 2007 and each fiscal year thereafter, and before making any allocation with respect to the fiscal year under subsection (g), the Secretary shall use an amount not to exceed the amount of interest that the Secretary estimates will be earned and paid to the fund during the fiscal year to make the transfer described in paragraph (2)(A).

“(B) TRANSFERS TO 1992 AND 1993 PLANS.—As soon as practicable after the beginning of fiscal year 2008 and each fiscal year thereafter, and before making any allocation with respect to the fiscal year under subsection (g), the Secretary shall use an amount not to exceed the amount of interest that the Secretary estimates will be earned and paid to the fund during the fiscal year (reduced by the amount used under subparagraph (A)) to make the transfers described in paragraphs (2)(B) and (2)(C).

“(2) TRANSFERS DESCRIBED.—The transfers referred to in paragraph (1) are the following:

“(A) UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND.—A transfer to the United Mine Workers of America Combined Benefit Fund equal to the amount that the trustees of the Combined Benefit Fund estimate will be expended from the fund for the fiscal year in which the transfer is made, reduced by—

“(i) the amount the trustees of the Combined Benefit Fund estimate the Combined Benefit Fund will receive during the fiscal year in—

“(I) required premiums; and

“(II) payments paid by Federal agencies in connection with benefits provided by the Combined Benefit Fund; and

“(ii) the amount the trustees of the Combined Benefit Fund estimate will be expended during the fiscal year to provide health benefits to beneficiaries who are unassigned beneficiaries solely as a result of the application of section 9706(h)(1) of the Internal Revenue Code of 1986, but only to the extent that such amount does not exceed the amounts described in subsection (i)(1)(A) that the Secretary estimates will be available to pay such estimated expenditures.

“(B) UNITED MINE WORKERS OF AMERICA 1992 BENEFIT PLAN.—A transfer to the United Mine Workers of America 1992 Benefit Plan, in an amount equal to the difference between—

“(i) the amount that the trustees of the 1992 UMWA Benefit Plan estimate will be expended from the 1992 UMWA Benefit Plan during the next calendar year to provide the benefits required by the 1992 UMWA Benefit Plan on the date of enactment of this subparagraph; minus

“(ii) the amount that the trustees of the 1992 UMWA Benefit Plan estimate the 1992 UMWA Benefit Plan will receive during the next calendar year in—

“(I) required monthly per beneficiary premiums, including the amount of any security provided to the 1992 UMWA Benefit Plan that is available for use in the provision of benefits; and

“(II) payments paid by Federal agencies in connection with benefits provided by the 1992 UMWA benefit plan.

“(C) MULTIEMPLOYER HEALTH BENEFIT PLAN.—A transfer to the Multiemployer Health Benefit Plan established after July 20, 1992, by the parties that are the settlors of the 1992 UMWA Benefit Plan referred to in

subparagraph (B) (referred to in this subparagraph and subparagraph (D) as 'the Plan'), in an amount equal to the excess (if any) of—

“(i) the amount that the trustees of the Plan estimate will be expended from the Plan during the next calendar year, to provide benefits no greater than those provided by the Plan as of December 31, 2006; over

“(ii) the amount that the trustees estimated the Plan will receive during the next calendar year in payments paid by Federal agencies in connection with benefits provided by the Plan.

Such excess shall be calculated by taking into account only those beneficiaries actually enrolled in the Plan as of December 31, 2006, who are eligible to receive benefits under the Plan on the first day of the calendar year for which the transfer is made.

“(D) INDIVIDUALS CONSIDERED ENROLLED.—For purposes of subparagraph (C), any individual who was eligible to receive benefits from the Plan as of the date of enactment of this subsection, even though benefits were being provided to the individual pursuant to a settlement agreement approved by order of a bankruptcy court entered on or before September 30, 2004, will be considered to be actually enrolled in the Plan and shall receive benefits from the Plan beginning on December 31, 2006.

“(3) ADJUSTMENT.—If, for any fiscal year, the amount of a transfer under subparagraph (A), (B), or (C) of paragraph (2) is more or less than the amount required to be transferred under that subparagraph, the Secretary shall appropriately adjust the amount transferred under that subparagraph for the next fiscal year.

“(4) ADDITIONAL AMOUNTS.—

“(A) PREVIOUSLY CREDITED INTEREST.—Notwithstanding any other provision of law, any interest credited to the fund that has not previously been transferred to the Combined Benefit Fund referred to in paragraph (2)(A) under this section—

“(i) shall be held in reserve by the Secretary until such time as necessary to make the payments under subparagraphs (A) and (B) of subsection (i)(1), as described in clause (ii); and

“(ii) in the event that the amounts described in subsection (i)(1) are insufficient to make the maximum payments described in subparagraphs (A) and (B) of subsection (i)(1), shall be used by the Secretary to supplement the payments so that the maximum amount permitted under those paragraphs is paid.

“(B) PREVIOUSLY ALLOCATED AMOUNTS.—All amounts allocated under subsection (g)(2) before the date of enactment of this subparagraph for the program described in section 406, but not appropriated before that date, shall be available to the Secretary to make the transfers described in paragraph (2).

“(C) ADEQUACY OF PREVIOUSLY CREDITED INTEREST.—The Secretary shall—

“(i) consult with the trustees of the plans described in paragraph (2) at reasonable intervals; and

“(ii) notify Congress if a determination is made that the amounts held in reserve under subparagraph (A) are insufficient to meet future requirements under subparagraph (A)(ii).

“(D) ADDITIONAL RESERVE AMOUNTS.—In addition to amounts held in reserve under subparagraph (A), there is authorized to be appropriated such sums as may be necessary for transfer to the fund to carry out the purposes of subparagraph (A)(ii).

“(E) INAPPLICABILITY OF CAP.—The limitation described in subsection (i)(3)(A) shall not apply to payments made from the reserve fund under this paragraph.

“(5) LIMITATIONS.—

“(A) AVAILABILITY OF FUNDS FOR NEXT FISCAL YEAR.—The Secretary may make transfers under subparagraphs (B) and (C) of paragraph (2) for a calendar year only if the Secretary determines, using actuarial projections provided by the trustees of the Combined Benefit Fund referred to in paragraph (2)(A), that amounts will be available under paragraph (1), after the transfer, for the next fiscal year for making the transfer under paragraph (2)(A).

“(B) RATE OF CONTRIBUTIONS OF OBLIGORS.—

“(i) IN GENERAL.—

“(I) RATE.—A transfer under paragraph (2)(C) shall not be made for a calendar year unless the persons that are obligated to contribute to the plan referred to in paragraph (2)(C) on the date of the transfer are obligated to make the contributions at rates that are no less than those in effect on the date which is 30 days before the date of enactment of this subsection.

“(II) APPLICATION.—The contributions described in subclause (I) shall be applied first to the provision of benefits to those plan beneficiaries who are not described in paragraph (2)(C)(ii).

“(ii) INITIAL CONTRIBUTIONS.—

“(I) IN GENERAL.—From the date of enactment of the Surface Mining Control and Reclamation Act Amendments of 2006 through December 31, 2010, the persons that, on the date of enactment of that Act, are obligated to contribute to the plan referred to in paragraph (2)(C) shall be obligated, collectively, to make contributions equal to the amount described in paragraph (2)(C), less the amount actually transferred due to the operation of subparagraph (C).

“(II) FIRST CALENDAR YEAR.—Calendar year 2006 is the first calendar year for which contributions are required under this clause.

“(III) AMOUNT OF CONTRIBUTION FOR 2006.—Except as provided in subclause (IV), the amount described in paragraph (2)(C) for calendar year 2006 shall be calculated as if paragraph (2)(C) had been in effect during 2005.

“(IV) LIMITATION.—The contributions required under this clause for calendar year 2006 shall not exceed the amount necessary for solvency of the plan described in paragraph (2)(C), measured as of December 31, 2006 and taking into account all assets held by the plan as of that date.

“(iii) DIVISION.—The collective annual contribution obligation required under clause (ii) shall be divided among the persons subject to the obligation, and applied uniformly, based on the hours worked for which contributions referred to in clause (i) would be owed.

“(C) PHASE-IN OF TRANSFERS.—For each of calendar years 2008 through 2010, the transfers required under subparagraphs (B) and (C) of paragraph (2) shall equal the following amounts:

“(i) For calendar year 2008, the Secretary shall make transfers equal to 25 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

“(ii) For calendar year 2009, the Secretary shall make transfers equal to 50 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

“(iii) For calendar year 2010, the Secretary shall make transfers equal to 75 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

“(i) FUNDING.—

“(1) IN GENERAL.—Subject to paragraph (3), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the plans de-

scribed in subsection (h)(2) such sums as are necessary to pay the following amounts:

“(A) To the Combined Fund (as defined in section 9701(a)(5) of the Internal Revenue Code of 1986 and referred to in this paragraph as the 'Combined Fund'), the amount that the trustees of the Combined Fund estimate will be expended from premium accounts maintained by the Combined Fund for the fiscal year to provide benefits for beneficiaries who are unassigned beneficiaries solely as a result of the application of section 9706(h)(1) of the Internal Revenue Code of 1986, subject to the following limitations:

“(i) For fiscal year 2008, the amount paid under this subparagraph shall equal—

“(I) the amount described in subparagraph (A); minus

“(II) the amounts required under section 9706(h)(3)(A) of the Internal Revenue Code of 1986.

“(ii) For fiscal year 2009, the amount paid under this subparagraph shall equal—

“(I) the amount described in subparagraph (A); minus

“(II) the amounts required under section 9706(h)(3)(B) of the Internal Revenue Code of 1986.

“(iii) For fiscal year 2010, the amount paid under this subparagraph shall equal—

“(I) the amount described in subparagraph (A); minus

“(II) the amounts required under section 9706(h)(3)(C) of the Internal Revenue Code of 1986.

“(B) On certification by the trustees of any plan described in subsection (h)(2) that the amount available for transfer by the Secretary pursuant to this section (determined after application of any limitation under subsection (h)(5)) is less than the amount required to be transferred, to the plan the amount necessary to meet the requirement of subsection (h)(2).

“(C) To the Combined Fund, \$9,000,000 on October 1, 2007, \$9,000,000 on October 1, 2008, and \$9,000,000 on October 1, 2009 (which amounts shall not be exceeded) to provide a refund of any premium (as described in section 9704(a) of the Internal Revenue Code of 1986) paid on or before September 7, 2000, to the Combined Fund, plus interest on the premium calculated at the rate of 7.5 percent per year, on a proportional basis and to be paid not later than 60 days after the date on which each payment is received by the Combined Fund, to those signatory operators (to the extent that the Combined Fund has not previously returned the premium amounts to the operators), or any related persons to the operators (as defined in section 9701(c) of the Internal Revenue Code of 1986), or their heirs, successors, or assigns who have been denied the refunds as the result of final judgments or settlements if—

“(i) prior to the date of enactment of this paragraph, the signatory operator (or any related person to the operator)—

“(I) had all of its beneficiary assignments made under section 9706 of the Internal Revenue Code of 1986 voided by the Commissioner of the Social Security Administration; and

“(II) was subject to a final judgment or final settlement of litigation adverse to a claim by the operator that the assignment of beneficiaries under section 9706 of the Internal Revenue Code of 1986 was unconstitutional as applied to the operator; and

“(ii) on or before September 7, 2000, the signatory operator (or any related person to the operator) had paid to the Combined Fund any premium amount that had not been refunded.

“(2) PAYMENTS TO STATES AND INDIAN TRIBES.—Subject to paragraph (3), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall

transfer to the Secretary of the Interior for distribution to States and Indian tribes such sums as are necessary to pay amounts described in paragraphs (1)(A) and (2)(A) of section 411(h).

“(3) LIMITATIONS.—

“(A) CAP.—The total amount transferred under this subsection for any fiscal year shall not exceed \$490,000,000.

“(B) INSUFFICIENT AMOUNTS.—In a case in which the amount required to be transferred without regard to this paragraph exceeds the maximum annual limitation in subparagraph (A), the Secretary shall adjust the transfers of funds so that—

“(i) each transfer for the fiscal year is a percentage of the amount described;

“(ii) the amount is determined without regard to subsection (h)(5)(A); and

“(iii) the percentage transferred is the same for all transfers made under this subsection for the fiscal year.

“(4) AVAILABILITY OF FUNDS.—Funds shall be transferred under paragraph (1) and (2) beginning in fiscal year 2008 and each fiscal year thereafter, and shall remain available until expended.”

SEC. 313. OBJECTIVES OF FUND.

Section 403 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “(1) the protection” and inserting the following:

“(1)(A) the protection;”;

(ii) in subparagraph (A) (as designated by clause (i)), by striking “general welfare;” and

(iii) by adding at the end the following:

“(B) the restoration of land and water resources and the environment that—

“(i) have been degraded by the adverse effects of coal mining practices; and

“(ii) are adjacent to a site that has been or will be remediated under subparagraph (A);”;

(B) in paragraph (2)—

(i) by striking “(2) the protection” and inserting the following:

“(2)(A) the protection;”;

(ii) in subparagraph (A) (as designated by clause (i)), by striking “health, safety, and general welfare” and inserting “health and safety”; and

(iii) by adding at the end the following:

“(B) the restoration of land and water resources and the environment that—

“(i) have been degraded by the adverse effects of coal mining practices; and

“(ii) are adjacent to a site that has been or will be remediated under subparagraph (A); and”;

(C) in paragraph (3), by striking the semicolon at the end and inserting a period; and

(D) by striking paragraphs (4) and (5);

(2) in subsection (b)—

(A) by striking the subsection heading and inserting “WATER SUPPLY RESTORATION.—”;

and

(B) in paragraph (1), by striking “up to 30 percent of the”; and

(3) in the second sentence of subsection (c), by inserting “, subject to the approval of the Secretary,” after “amendments”.

SEC. 314. RECLAMATION OF RURAL LAND.

(a) ADMINISTRATION.—Section 406(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1236(h)) is amended by striking “Soil Conservation Service” and inserting “Natural Resources Conservation Service”.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT RURAL LAND RECLAMATION.—Section 406 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1236) is amended by adding at the end the following:

“(i) There are authorized to be appropriated to the Secretary of Agriculture, from amounts in the Treasury other than amounts in the fund, such sums as may be necessary to carry out this section.”.

SEC. 315. LIENS.

Section 408(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1238) is amended in the last sentence by striking “who owned the surface prior to May 2, 1977, and”.

SEC. 316. CERTIFICATION.

Section 411 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a) is amended—

(1) in subsection (a)—

(A) by inserting “(1)” before the first sentence; and

(B) by adding at the end the following:

“(2)(A) The Secretary may, on the initiative of the Secretary, make the certification referred to in paragraph (1) on behalf of any State or Indian tribe referred to in paragraph (1) if on the basis of the inventory referred to in section 403(c) all reclamation projects relating to the priorities described in section 403(a) for eligible land and water pursuant to section 404 in the State or tribe have been completed.

“(B) The Secretary shall only make the certification after notice in the Federal Register and opportunity for public comment.”;

(2) by adding at the end the following:

“(h) PAYMENTS TO STATES AND INDIAN TRIBES.—

“(1) IN GENERAL.—

“(A) PAYMENTS.—

“(i) IN GENERAL.—Notwithstanding section 401(f)(3)(B), from funds referred to in section 402(i)(2), the Secretary shall make payments to States or Indian tribes for the amount due for the aggregate unappropriated amount allocated to the State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1).

“(ii) CONVERSION AS EQUIVALENT PAYMENTS.—Amounts allocated under subparagraphs (A) or (B) of section 402(g)(1) shall be reallocated to the allocation established in section 402(g)(5) in amounts equivalent to payments made to States or Indian tribes under this paragraph.

“(B) AMOUNT DUE.—In this paragraph, the term ‘amount due’ means the unappropriated amount allocated to a State or Indian tribe before October 1, 2007, under subparagraph (A) or (B) of section 402(g)(1).

“(C) SCHEDULE.—Payments under subparagraph (A) shall be made in 7 equal annual installments, beginning with fiscal year 2008.

“(D) USE OF FUNDS.—

“(i) CERTIFIED STATES AND INDIAN TRIBES.—A State or Indian tribe that makes a certification under subsection (a) in which the Secretary concurs shall use any amounts provided under this paragraph for the purposes established by the State legislature or tribal council of the Indian tribe, with priority given for addressing the impacts of mineral development.

“(ii) UNCERTIFIED STATES AND INDIAN TRIBES.—A State or Indian tribe that has not made a certification under subsection (a) in which the Secretary has concurred shall use any amounts provided under this paragraph for the purposes described in section 403.

“(2) SUBSEQUENT STATE AND INDIAN TRIBE SHARE FOR CERTIFIED STATES AND INDIAN TRIBES.—

“(A) IN GENERAL.—Notwithstanding section 401(f)(3)(B), from funds referred to in section 402(i)(2), the Secretary shall pay to each certified State or Indian tribe an amount equal to the sum of the aggregate unappropriated amount allocated on or after October 1, 2007, to the certified State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1).

“(B) CERTIFIED STATE OR INDIAN TRIBE DEFINED.—In this paragraph the term ‘certified State or Indian tribe’ means a State or Indian tribe for which a certification is made under subsection (a) in which the Secretary concurs.

“(3) MANNER OF PAYMENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), payments to States or Indian tribes under this subsection shall be made without regard to any limitation in section 401(d) and concurrently with payments to States under that section.

“(B) INITIAL PAYMENTS.—The first 3 payments made to any State or Indian tribe shall be reduced to 25 percent, 50 percent, and 75 percent, respectively, of the amounts otherwise required under paragraph (2)(A).

“(C) INSTALLMENTS.—Amounts withheld from the first 3 annual installments as provided under subparagraph (B) shall be paid in 2 equal annual installments beginning with fiscal year 2018.

“(4) REALLOCATION.—

“(A) IN GENERAL.—The amount allocated to any State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1) that is paid to the State or Indian tribe as a result of a payment under paragraph (1) or (2) shall be reallocated and available for grants under section 402(g)(5).

“(B) ALLOCATION.—The grants shall be allocated based on the amount of coal historically produced before August 3, 1977, in the same manner as under section 402(g)(5).”.

SEC. 317. REMINING INCENTIVES.

Title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.) is amended by adding at the following:

“SEC. 415. REMINING INCENTIVES.

“(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may, after opportunity for public comment, promulgate regulations that describe conditions under which amounts in the fund may be used to provide incentives to promote remaining of eligible land under section 404 in a manner that leverages the use of amounts from the fund to achieve more reclamation with respect to the eligible land than would be achieved without the incentives.

“(b) REQUIREMENTS.—Any regulations promulgated under subsection (a) shall specify that the incentives shall apply only if the Secretary determines, with the concurrence of the State regulatory authority referred to in title V, that, without the incentives, the eligible land would not be likely to be remined and reclaimed.

“(c) INCENTIVES.—

“(1) IN GENERAL.—Incentives that may be considered for inclusion in the regulations promulgated under subsection (a) include, but are not limited to—

“(A) a rebate or waiver of the reclamation fees required under section 402(a); and

“(B) the use of amounts in the fund to provide financial assurance for remining operations in lieu of all or a portion of the performance bonds required under section 509.

“(2) LIMITATIONS.—

“(A) USE.—A rebate or waiver under paragraph (1)(A) shall be used only for operations that—

“(i) remove or reprocess abandoned coal mine waste; or

“(ii) conduct remining activities that meet the priorities specified in paragraph (1) or (2) of section 403(a).

“(B) AMOUNT.—The amount of a rebate or waiver provided as an incentive under paragraph (1)(A) to remine or reclaim eligible land shall not exceed the estimated cost of reclaiming the eligible land under this section.”.

SEC. 318. EXTENSION OF LIMITATION ON APPLICATION OF PROHIBITION ON ISSUANCE OF PERMIT.

Section 510(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1260(e)) is amended by striking the last sentence.

SEC. 319. TRIBAL REGULATION OF SURFACE COAL MINING AND RECLAMATION OPERATIONS.

(a) IN GENERAL.—Section 710 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1300) is amended by adding at the end the following:

“(j) TRIBAL REGULATORY AUTHORITY.—

“(1) TRIBAL REGULATORY PROGRAMS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, an Indian tribe may apply for, and obtain the approval of, a tribal program under section 503 regulating in whole or in part surface coal mining and reclamation operations on reservation land under the jurisdiction of the Indian tribe using the procedures of section 504(e).

“(B) REFERENCES TO STATE.—For purposes of this subsection and the implementation and administration of a tribal program under title V, any reference to a ‘State’ in this Act shall be considered to be a reference to a ‘tribe’.

“(2) CONFLICTS OF INTEREST.—

“(A) IN GENERAL.—The fact that an individual is a member of an Indian tribe does not in itself constitute a violation of section 201(f).

“(B) EMPLOYEES OF TRIBAL REGULATORY AUTHORITY.—Any employee of a tribal regulatory authority shall not be eligible for a per capita distribution of any proceeds from coal mining operations conducted on Indian reservation lands under this Act.

“(3) SOVEREIGN IMMUNITY.—To receive primary regulatory authority under section 504(e), an Indian tribe shall waive sovereign immunity for purposes of section 520 and paragraph (4).

“(4) JUDICIAL REVIEW.—

“(A) CIVIL ACTIONS.—

“(i) IN GENERAL.—After exhausting all tribal remedies with respect to a civil action arising under a tribal program approved under section 504(e), an interested party may file a petition for judicial review of the civil action in the United States circuit court for the circuit in which the surface coal mining operation named in the petition is located.

“(ii) SCOPE OF REVIEW.—

“(I) QUESTIONS OF LAW.—The United States circuit court shall review de novo any questions of law under clause (i).

“(II) FINDINGS OF FACT.—The United States circuit court shall review findings of fact under clause (i) using a clearly erroneous standard.

“(B) CRIMINAL ACTIONS.—Any criminal action brought under section 518 with respect to surface coal mining or reclamation operations on Indian reservation lands shall be brought in—

“(i) the United States District Court for the District of Columbia; or

“(ii) the United States district court in which the criminal activity is alleged to have occurred.

“(5) GRANTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), grants for developing, administering, and enforcing tribal programs approved in accordance with section 504(e) shall be provided to an Indian tribe in accordance with section 705.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), the Federal share of the costs of developing, administering, and enforcing an approved tribal program shall be 100 percent.

“(6) REPORT.—Not later than 18 months after the date on which a tribal program is

approved under subsection (e) of section 504, the Secretary shall submit to the appropriate committees of Congress a report, developed in cooperation with the applicable Indian tribe, on the tribal program that includes a recommendation of the Secretary on whether primary regulatory authority under that subsection should be expanded to include additional Indian lands.”

(b) CONFORMING AMENDMENT.—Section 710(i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1300(i)) is amended in the first sentence by striking “, except” and all that follows through “section 503”.

Subtitle B—Coal Industry Retiree Health Benefit Act

SEC. 321. CERTAIN RELATED PERSONS AND SUCCESSORS IN INTEREST RELIEVED OF LIABILITY IF PREMIUMS PREPAID.

(a) COMBINED BENEFIT FUND.—

(1) IN GENERAL.—Section 9704 (relating to liability of assigned operators) is amended by adding at the end the following new subsection:

“(j) PREPAYMENT OF PREMIUM LIABILITY.—

“(1) IN GENERAL.—If—

“(A) a payment meeting the requirements of paragraph (3) is made to the Combined Fund by or on behalf of—

“(i) any assigned operator to which this subsection applies, or

“(ii) any related person to any assigned operator described in clause (i), and

“(B) the common parent of the controlled group of corporations described in paragraph (2)(B) is jointly and severally liable for any premium under this section which (but for this subsection) would be required to be paid by the assigned operator or related person, then such common parent (and no other person) shall be liable for such premium.

“(2) ASSIGNED OPERATORS TO WHICH SUBSECTION APPLIES.—

“(A) IN GENERAL.—This subsection shall apply to any assigned operator if—

“(i) the assigned operator (or a related person to the assigned operator)—

“(I) made contributions to the 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan for employment during the period covered by the 1988 agreement; and

“(II) is not a 1988 agreement operator,

“(ii) the assigned operator (and all related persons to the assigned operator) are not actively engaged in the production of coal as of July 1, 2005, and

“(iii) the assigned operator was, as of July 20, 1992, a member of a controlled group of corporations described in subparagraph (B).

“(B) CONTROLLED GROUP OF CORPORATIONS.—A controlled group of corporations is described in this subparagraph if the common parent of such group is a corporation the shares of which are publicly traded on a United States exchange.

“(C) COORDINATION WITH REPEAL OF ASSIGNMENTS.—A person shall not fail to be treated as an assigned operator to which this subsection applies solely because the person ceases to be an assigned operator by reason of section 9706(h)(1) if the person otherwise meets the requirements of this subsection and is liable for the payment of premiums under section 9706(h)(3).

“(D) CONTROLLED GROUP.—For purposes of this subsection, the term ‘controlled group of corporations’ has the meaning given such term by section 52(a).

“(3) REQUIREMENTS.—A payment meets the requirements of this paragraph if—

“(A) the amount of the payment is not less than the present value of the total premium liability under this chapter with respect to the Combined Fund of the assigned operators or related persons described in paragraph (1) or their assignees, as determined by the op-

erator’s or related person’s enrolled actuary (as defined in section 7701(a)(35)) using actuarial methods and assumptions each of which is reasonable and which are reasonable in the aggregate, as determined by such enrolled actuary;

“(B) such enrolled actuary files with the Secretary of Labor a signed actuarial report containing—

“(i) the date of the actuarial valuation applicable to the report; and

“(ii) a statement by the enrolled actuary signing the report that, to the best of the actuary’s knowledge, the report is complete and accurate and that in the actuary’s opinion the actuarial assumptions used are in the aggregate reasonably related to the experience of the operator and to reasonable expectations; and

“(C) 90 calendar days have elapsed after the report required by subparagraph (B) is filed with the Secretary of Labor, and the Secretary of Labor has not notified the assigned operator in writing that the requirements of this paragraph have not been satisfied.

“(4) USE OF PREPAYMENT.—The Combined Fund shall—

“(A) establish and maintain an account for each assigned operator or related person by, or on whose behalf, a payment described in paragraph (3) was made,

“(B) credit such account with such payment (and any earnings thereon), and

“(C) use all amounts in such account exclusively to pay premiums that would (but for this subsection) be required to be paid by the assigned operator.

Upon termination of the obligations for the premium liability of any assigned operator or related person for which such account is maintained, all funds remaining in such account (and earnings thereon) shall be refunded to such person as may be designated by the common parent described in paragraph (1)(B).”

(b) INDIVIDUAL EMPLOYER PLANS.—Section 9711(c) (relating to joint and several liability) is amended to read as follows:

“(c) JOINT AND SEVERAL LIABILITY OF RELATED PERSONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each related person of a last signatory operator to which subsection (a) or (b) applies shall be jointly and severally liable with the last signatory operator for the provision of health care coverage described in subsection (a) or (b).

“(2) LIABILITY LIMITED IF SECURITY PROVIDED.—If—

“(A) security meeting the requirements of paragraph (3) is provided by or on behalf of—

“(i) any last signatory operator which is an assigned operator described in section 9704(j)(2), or

“(ii) any related person to any last signatory operator described in clause (i), and

“(B) the common parent of the controlled group of corporations described in section 9704(j)(2)(B) is jointly and severally liable for the provision of health care under this section which, but for this paragraph, would be required to be provided by the last signatory operator or related person,

then, as of the date the security is provided, such common parent (and no other person) shall be liable for the provision of health care under this section which the last signatory operator or related person would otherwise be required to provide. Security may be provided under this paragraph without regard to whether a payment was made under section 9704(j).

“(3) SECURITY.—Security meets the requirements of this paragraph if—

“(A) the security—

“(i) is in the form of a bond, letter of credit, or cash escrow,

“(ii) is provided to the trustees of the 1992 UMWA Benefit Plan solely for the purpose of paying premiums for beneficiaries who would be described in section 9712(b)(2)(B) if the requirements of this section were not met by the last signatory operator, and

“(iii) is in an amount equal to 1 year of liability of the last signatory operator under this section, determined by using the average cost of such operator’s liability during the prior 3 calendar years;

“(B) the security is in addition to any other security required under any other provision of this title; and

“(C) the security remains in place for 5 years.

“(4) REFUNDS OF SECURITY.—The remaining amount of any security provided under this subsection (and earnings thereon) shall be refunded to the last signatory operator as of the earlier of—

“(A) the termination of the obligations of the last signatory operator under this section, or

“(B) the end of the 5-year period described in paragraph (4)(C).”

(c) 1992 UMWA BENEFIT PLAN.—Section 9712(d)(4) (relating to joint and several liability) is amended by adding at the end the following new sentence: “The provisions of section 9711(c)(2) shall apply to any last signatory operator described in such section (without regard to whether security is provided under such section, a payment is made under section 9704(j), or both) and if security meeting the requirements of section 9711(c)(3) is provided, the common parent described in section 9711(c)(2)(B) shall be exclusively responsible for any liability for premiums under this section which, but for this sentence, would be required to be paid by the last signatory operator or any related person.”

(d) SUCCESSOR IN INTEREST.—Section 9701(c) (relating to terms relating to operators) is amended by adding at the end the following new paragraph:

“(8) SUCCESSOR IN INTEREST.—

“(A) SAFE HARBOR.—The term ‘successor in interest’ shall not include any person who—

“(i) is an unrelated person to an eligible seller described in subparagraph (C); and

“(ii) purchases for fair market value assets, or all of the stock, of a related person to such seller, in a bona fide, arm’s-length sale.

“(B) UNRELATED PERSON.—The term ‘unrelated person’ means a purchaser who does not bear a relationship to the eligible seller described in section 267(b).

“(C) ELIGIBLE SELLER.—For purposes of this paragraph, the term ‘eligible seller’ means an assigned operator described in section 9704(j)(2) or a related person to such assigned operator.”

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendment made by subsection (d) shall apply to transactions after the date of the enactment of this Act.

SEC. 322. TRANSFERS TO FUNDS; PREMIUM RELIEF.

(a) COMBINED FUND.—

(1) FEDERAL TRANSFERS.—Section 9705(b) (relating to transfers from Abandoned Mine Reclamation Fund) is amended—

(A) in paragraph (1), by striking “section 402(h)” and inserting “subsections (h) and (i) of section 402”;

(B) by striking paragraph (2) and inserting the following new paragraph:

“(2) USE OF FUNDS.—Any amount transferred under paragraph (1) for any fiscal year shall be used to pay benefits and administrative costs of beneficiaries of the Combined Fund or for such other purposes as are spe-

cifically provided in the Acts described in paragraph (1).”;

(C) by striking “FROM ABANDONED MINE RECLAMATION FUND”.

(2) MODIFICATIONS OF PREMIUMS TO REFLECT FEDERAL TRANSFERS.—

(A) ELIMINATION OF UNASSIGNED BENEFICIARIES PREMIUM.—Section 9704(d) (establishing unassigned beneficiaries premium) is amended to read as follows:

“(d) UNASSIGNED BENEFICIARIES PREMIUM.—

“(1) PLAN YEARS ENDING ON OR BEFORE SEPTEMBER 30, 2006.—For plan years ending on or before September 30, 2006, the unassigned beneficiaries premium for any assigned operator shall be equal to the applicable percentage of the product of the per beneficiary premium for the plan year multiplied by the number of eligible beneficiaries who are not assigned under section 9706 to any person for such plan year.

“(2) PLAN YEARS BEGINNING ON OR AFTER OCTOBER 1, 2006.—

“(A) IN GENERAL.—For plan years beginning on or after October 1, 2006, subject to subparagraph (B), there shall be no unassigned beneficiaries premium, and benefit costs with respect to eligible beneficiaries who are not assigned under section 9706 to any person for any such plan year shall be paid from amounts transferred under section 9705(b).

“(B) INADEQUATE TRANSFERS.—If, for any plan year beginning on or after October 1, 2006, the amounts transferred under section 9705(b) are less than the amounts required to be transferred to the Combined Fund under subsection (h)(2)(A) or (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232), then the unassigned beneficiaries premium for any assigned operator shall be equal to the operator’s applicable percentage of the amount required to be so transferred which was not so transferred.”

(B) PREMIUM ACCOUNTS.—

(i) CREDITING OF ACCOUNTS.—Section 9704(e)(1) (relating to premium accounts; adjustments) is amended by inserting “and amounts transferred under section 9705(b)” after “premiums received”.

(ii) SURPLUSES ATTRIBUTABLE TO PUBLIC FUNDING.—Section 9704(e)(3)(A) is amended by adding at the end the following new sentence: “Amounts credited to an account from amounts transferred under section 9705(b) shall not be taken into account in determining whether there is a surplus in the account for purposes of this paragraph.”

(C) APPLICABLE PERCENTAGE.—Section 9704(f)(2) (relating to annual adjustments) is amended by adding at the end the following new subparagraph:

“(C) In the case of plan years beginning on or after October 1, 2007, the total number of assigned eligible beneficiaries shall be reduced by the eligible beneficiaries whose assignments have been revoked under section 9706(h).”

(3) ASSIGNMENTS AND REASSIGNMENT.—Section 9706 (relating to assignment of eligible beneficiaries) is amended by adding at the end the following:

“(h) ASSIGNMENTS AS OF OCTOBER 1, 2007.—

“(1) IN GENERAL.—Subject to the premium obligation set forth in paragraph (3), the Commissioner of Social Security shall—

“(A) revoke all assignments to persons other than 1988 agreement operators for purposes of assessing premiums for plan years beginning on and after October 1, 2007; and

“(B) make no further assignments to persons other than 1988 agreement operators, except that no individual who becomes an unassigned beneficiary by reason of subparagraph (A) may be assigned to a 1988 agreement operator.

“(2) REASSIGNMENT UPON PURCHASE.—This subsection shall not be construed to prohibit the reassignment under subsection (b)(2) of an eligible beneficiary.

“(3) LIABILITY OF PERSONS DURING THREE FISCAL YEARS BEGINNING ON AND AFTER OCTOBER 1, 2007.—In the case of each of the fiscal years beginning on October 1, 2007, 2008, and 2009, each person other than a 1988 agreement operator shall pay to the Combined Fund the following percentage of the amount of annual premiums that such person would otherwise be required to pay under section 9704(a), determined on the basis of assignments in effect without regard to the revocation of assignments under paragraph (1)(A):

“(A) For the fiscal year beginning on October 1, 2007, 55 percent.

“(B) For the fiscal year beginning on October 1, 2008, 40 percent.

“(C) For the fiscal year beginning on October 1, 2009, 15 percent.”

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years of the Combined Fund beginning after September 30, 2006.

(b) 1992 UMWA BENEFIT AND OTHER PLANS.—

(1) TRANSFERS TO PLANS.—Section 9712(a) (relating to the establishment and coverage of the 1992 UMWA Benefit Plan) is amended by adding at the end the following:

“(3) TRANSFERS UNDER OTHER FEDERAL STATUTES.—

“(A) IN GENERAL.—The 1992 UMWA Benefit Plan shall include any amount transferred to the plan under subsections (h) and (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232).

“(B) USE OF FUNDS.—Any amount transferred under subparagraph (A) for any fiscal year shall be used to provide the health benefits described in subsection (c) with respect to any beneficiary for whom no monthly per beneficiary premium is paid pursuant to paragraph (1)(A) or (3) of subsection (d).

“(4) SPECIAL RULE FOR 1993 PLAN.—

“(A) IN GENERAL.—The plan described in section 402(h)(2)(C) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)) shall include any amount transferred to the plan under subsections (h) and (i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232).

“(B) USE OF FUNDS.—Any amount transferred under subparagraph (A) for any fiscal year shall be used to provide the health benefits described in section 402(h)(2)(C)(i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)(i)) to individuals described in section 402(h)(2)(C) of such Act (30 U.S.C. 1232(h)(2)(C)).”

(2) PREMIUM ADJUSTMENTS.—

(A) IN GENERAL.—Section 9712(d)(1) (relating to guarantee of benefits) is amended to read as follows:

“(1) IN GENERAL.—All 1988 last signatory operators shall be responsible for financing the benefits described in subsection (c) by meeting the following requirements in accordance with the contribution requirements established in the 1992 UMWA Benefit Plan:

“(A) The payment of a monthly per beneficiary premium by each 1988 last signatory operator for each eligible beneficiary of such operator who is described in subsection (b)(2) and who is receiving benefits under the 1992 UMWA benefit plan.

“(B) The provision of a security (in the form of a bond, letter of credit, or cash escrow) in an amount equal to a portion of the projected future cost to the 1992 UMWA Benefit Plan of providing health benefits for eligible and potentially eligible beneficiaries attributable to the 1988 last signatory operator.

“(C) If the amounts transferred under subsection (a)(3) are less than the amounts required to be transferred to the 1992 UMWA Benefit Plan under subsections (h) and (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232), the payment of an additional backstop premium by each 1988 last signatory operator which is equal to such operator’s share of the amounts required to be so transferred but which were not so transferred, determined on the basis of the number of eligible and potentially eligible beneficiaries attributable to the operator.”.

(B) CONFORMING AMENDMENTS.—Section 9712(d) is amended—

(i) in paragraph (2)(B), by striking “prefunding” and inserting “backstop”, and

(ii) in paragraph (3), by striking “paragraph (1)(B)” and inserting “paragraph (1)(A)”.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to fiscal years beginning on or after October 1, 2010.

SEC. 323. OTHER PROVISIONS.

(a) BOARD OF TRUSTEES.—Section 9702(b) (relating to board of trustees of the Combined Fund) is amended to read as follows:

“(b) BOARD OF TRUSTEES.—

“(1) IN GENERAL.—For purposes of subsection (a), the board of trustees for the Combined Fund shall be appointed as follows:

“(A) 2 individuals who represent employers in the coal mining industry shall be designated by the BCOA;

“(B) 2 individuals designated by the United Mine Workers of America; and

“(C) 3 individuals selected by the individuals appointed under subparagraphs (A) and (B).

“(2) SUCCESSOR TRUSTEES.—Any successor trustee shall be appointed in the same manner as the trustee being succeeded. The plan establishing the Combined Fund shall provide for the removal of trustees.

“(3) SPECIAL RULE.—If the BCOA ceases to exist, any trustee or successor under paragraph (1)(A) shall be designated by the 3 employers who were members of the BCOA on the enactment date and who have been assigned the greatest number of eligible beneficiaries under section 9706.”.

(b) ENFORCEMENT OF OBLIGATIONS.—

(1) FAILURE TO PAY PREMIUMS.—Section 9707(a) is amended to read as follows:

“(a) FAILURES TO PAY.—

“(1) PREMIUMS FOR ELIGIBLE BENEFICIARIES.—There is hereby imposed a penalty on the failure of any assigned operator to pay any premium required to be paid under section 9704 with respect to any eligible beneficiary.

“(2) CONTRIBUTIONS REQUIRED UNDER THE MINING LAWS.—There is hereby imposed a penalty on the failure of any person to make a contribution required under section 402(h)(5)(B)(ii) of the Surface Mining Control and Reclamation Act of 1977 to a plan referred to in section 402(h)(2)(C) of such Act. For purposes of applying this section, each such required monthly contribution for the hours worked of any individual shall be treated as if it were a premium required to be paid under section 9704 with respect to an eligible beneficiary.”.

(2) CIVIL ENFORCEMENT.—Section 9721 is amended to read as follows:

“SEC. 9721. CIVIL ENFORCEMENT.

“The provisions of section 4301 of the Employee Retirement Income Security Act of 1974 shall apply, in the same manner as any claim arising out of an obligation to pay withdrawal liability under subtitle E of title IV of such Act, to any claim—

“(1) arising out of an obligation to pay any amount required to be paid by this chapter; or

“(2) arising out of an obligation to pay any amount required by section 402(h)(5)(B)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(5)(B)(ii)).”.

SA 5004. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4096, to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation; which was ordered to lie on the table; as follows:

Amend the title so as to read: “To amend the Internal Revenue Code of 1986 to extend for 2 years certain expiring provisions, and for other purposes.”.

SA 5005. Mr. REID 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. ____ . DECLASSIFICATION OF CERTAIN TEXT OF REPORT ON INTELLIGENCE CONCERNING IRAQ WEAPONS OF MASS DESTRUCTION PROGRAMS.

Any classified text (other than text revealing intelligence sources and methods) contained on pages 96, 97, and 98 of the report of the Select Committee on Intelligence of the Senate entitled “Report of the Select Committee on Intelligence on Post-War Findings About Iraq’s WMD Programs and Links to Terrorism and How They Compare with Pre-War Assessments”, and issued on September 8, 2006, is hereby declassified and, effective as of the date of the enactment of this Act, may be released to the public.

SA 5006. Mr. STEVENS (for Mr. MCCAIN (for himself and Mr. KYL)) proposed an amendment to the bill S. 2464, to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes; as follows:

On page 3, strike lines 7 through 9 and insert the following:

achieve the full and final implementation of the Fort McDowell Water

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 21, 2006, at 10 a.m. in room SD-628 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of: Mary Amelia Bomar, of Pennsylvania, to be Director of the National Park Service, vice Frances P. Mainella, resigned.

For further information, please contact Judy Pensabene or Kara Gleason of the Committee staff at: (202) 224-5305.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. COLLINS. 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 13, 2006, at 10 a.m., to conduct a hearing on “The Housing Bubble and its Implications for the Economy.”

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. COLLINS. 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 Wednesday, September 13 at 11:30 a.m.

The purpose of this meeting is to consider the nominations of John Ray Correll to be director of the Office of Surface Mining Reclamation and Enforcement, Mark Myers to be director of the United States Geological Survey, and David Longly Bernhardt to be solicitor of the Department of the Interior.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. COLLINS. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a Business Meeting on Wednesday, September 13, 2006, at 9:30 a.m. to consider the following agenda:

Legislation: H.R. 5689, To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; S.1848, Cleanup of Inactive and Abandoned Mines Act; S. 3630, To amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes; H.R. 3929, Dana Point Desalination Project Authorization Act; S. 3617, North American Wetlands Conservation Reauthorization Act of 2006; H.R. 5061, Paint Bank and Wytheville National Fish Hatcheries Conveyance Act; S. 3551, Tylersville Fish Hatchery Conveyance Act; S. 3867, To Designate the Federal Courthouse at 555 Independence Street, Cape Girardeau, Missouri, as the “Rush H. Limbaugh Sr., Federal Courthouse”; H.R. 5187, To Amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007; S. 3879 “Convention on Supplementary Compensation for Nuclear Damage Contingent Cost Allocation Act”; S. 2348, Nuclear Release Notice Act of 2006; and S. 3591, High-Performance Green Buildings Act of 2006.

Nominees: William B. Wark to be a Member of the Chemical Safety and Hazard Investigation Board; William E.