The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. CAMPBELL of California).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, September 8, 2006.

I hereby appoint the Honorable JOHN CAMPBELL to act as Speaker pro tempore on this day.

J. DENNIS HASTERT, Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, shower Your blessings of welcome and peace upon all the new pages, interns and other staff who begin their work here in the U.S. House of Representatives for this session of Congress.

You are the God of Light. With each dawning day, You provide Your people with new assurances of Your love.

Bless the continuing work of the 109th Congress, that the common good and protection of this Nation be secured and that, by working together, all may give You praise and glory, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof. Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

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

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

Hon. J. DENNIS HASTERT, Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 8, 2006, at 10 a.m.

That the Senate passed S. 2200.
That the Senate passed S. 2697.
That the Senate passed S. 3722.
That the Senate passed S. 2697.
That the Senate passed S. 2697.
That the Senate passed S. 2590.

With best wishes, I am

Sincerely,
KAREN L. HAAS, Clerk of the House.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker’s table and, under the rule, referred as follows:

S. 1998. An act to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes; to the Committee on the Judiciary.
S. 2200. An act to establish a United States-Poland parliamentary youth exchange program, and for other purposes; to the Committee on International Relations.
S. 2697. An act to establish the position of the United States Ambassador for ASEAN, to the Committee on International Relations.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning hour debate.

There was no objection.

Accordingly (at 2 o’clock and 3 minutes p.m.), under its previous order, the House adjourned until Tuesday, September 12, 2006, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

9241. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — 2, 6-Diisopropyl -naphthalene; Transcriptomic Tolerance [EPA-HQ-OPP-2006-0373; FRL-8089-3] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9242. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Benthiavalicarb-Isopropyl; Pesticide Tolerance [EPA-HQ-OPP-2006-0035; FRL-8084-6] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9243. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Paraquat Dichloride; Pesticide Tolerance [EPA-HQ-OPP-2006-0664; FRL-8089-3] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9244. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Propoxycarbazone; Pesticide Tolerance [EPA-HQ-OPP-2006-0504;
925. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen-
cy’s final rule — RevisedMenuItem: Revocation of the Tolerance Exemption for Mono-
and Bis-(1H, 2H, 2H-perfluoralky) Phosphonyl Fluoride in the Texas Alkyl Group: Is Even-
numbered and in the C6-C12 Range [EPA-HQ OPP-2006-0532; FRL-8082-1] received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Energy and Commerce.

926. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen-
cy’s final rule — Approval and Promotion of State Implementation Plans; Texas; High-
ly Reactive Volatile Organic Compound (VOC) Emissions in the Houston/Galveston/Brazoria Ozone Non-

927. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen-
cy’s final rule — Inert Ingredient; Revocation of the Tolerance Exemption for Mono-
and Bis-(1H, 2H, 2H-perfluoralky) Phosphonyl Fluoride in the Texas Alkyl Group: Is Even-
numbered and in the C6-C12 Range [EPA-HQ OPP-2006-0532; FRL-8082-3] received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Energy and Commerce.

928. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen-
cy’s final rule — Approval and Promotion of Air Quality Implementation Plans; Con-
necticut; VOC Regulations and One-hour Ozone Attainment Demonstration Shortfall [EPA-R01-OAR-2005-CT-0001; A-1-FRL-8209-6] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Energy and Commerce.

929. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen-
cy’s final rule — Approval and Promotion of Air Quality Implementation Plans; Illi-
nois; Ford Motor Company Adjusted Standard [EPA-R05-OAR-2006-0436; FRL-8214-2] re-
cieved September 5, 2006, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Energy and Commerce.

930. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen-
cy’s final rule — Approval and Promotion of State Implementation Plans; Texas; Dis-
crete Emission Credit Banking and Trading Program [EPA-R06-OAR-2005-TX-0029; FRL-
8216-6] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Energy and Commerce.

931. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen-
cy’s final rule — Approval and Promotion of State Implementation Plans; Texas; Emis-
sion Allowance and Trading Program [EPA-R06-OAR-2005-TX-0006; FRL-8216-3] re-
cieved September 5, 2006, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Energy and Commerce.

932. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen-
cy’s final rule — Approval and Promotion of State Implementation Plans; Texas; Emis-
sion Allowance and Trading Program [EPA-R06-OAR-2005-TX-0006; FRL-8216-3] re-
cieved September 5, 2006, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Energy and Commerce.

933. A letter from the Acting Under Sec-
retary for Industry and Security, Depart-
ment of Commerce, transmitting a report that the Department intends to expand for-
eign policy-based export controls on certain items to be issued under the authority of Section 6 of the Export Administration Act of 1979; to the Committee on International Relations.

934. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1 of Executive Order 13331, prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus Question covering the period June 1, 2006 through July 31, 2006; to the Committee on International Relations.

935. A letter from the Secretary, Depart-
ment of Agriculture, transmitting a copy of a draft bill, "The Medicare Quality Improvement Organi-
zation (QIO) Program — Response to IOM Study," as required by Section 109(d)(2) of the Medicare Prescription Drug, Improve-
ment, and Modernization Act of 2003, jointly to the Committees on Ways and Means and Energy and Commerce.
REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BUYER: Committee on Veterans’ Affairs. H.R. 5615. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes; with amendments (Rept. 109-643). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 4583. A bill to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products; with an amendment (Rept. 109-644). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 5683. A bill to amend the National Housing Act to increase the mortgage insurance for multifamily housing located in high-cost areas (Rept. 109-645). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LATOURRETTE:

H.R. 6049. A bill to amend section 1729 of title 38, United States Code, to eliminate the authorization for the United States to recover or collect from health plans, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. HAYWORTH:

H.R. 6050. A bill to amend the Trade Act of 1974 to require the President to make a determination that a fundamental international payments problem exists and to proclaim a temporary import surcharge whenever the United States current account deficit exceeds 2 percent of the United States Gross Domestic Product; to the Committee on Ways and Means.

By Mr. RYAN of Ohio (for himself, Mr. RIGULA, Ms. KAPTUR, Mr. BROWN of Ohio, Mr. HOBSON, Mrs. JONES of Ohio, Mr. LATOURRETTE, Mr. STRICKLAND, Mr. OBIE, Mr. LAHOOD, Mr. WELDON of Pennsylvania, Mr. BERMAN, Mr. GEORGE MILLER of California, Mr. RAHAL, and Mr. UDALL of Colorado):

H.R. 6051. A bill to designate the Federal building located at 2 South Main Street in Akron, Ohio, as the “John F. Seiberling Federal Building”; to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

436. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 48 requesting that the federal government allow national guard members and military reservists with twenty or more years of service to retire with full retirement benefits at age fifty-five; to the Committee on Armed Services.

437. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 47 urging the Congress of the United States to support improving the quality of the Nation’s public schools by substantially increasing education funding; to the Committee on Education and the Workforce.

438. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. AR55 memorializing the Congress of the United States and the President of the United States to enact “Lyme and Tick—Borre Disease Prevention, Education, and Research Act of 2005”; to the Committee on Energy and Commerce.

439. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 62 urging the United States Office of Personnel Management to treat Hawaii Federal Employees with regard to pay and retirement benefits the same as federal employees who reside in the forty-eight continuous United States; to the Committee on Government Reform.

440. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 151 memorializing the United States Postal Service and the Congress of the United States to keep open the Gaylord, Michigan Mail Processing Center; to the Committee on Government Reform.

441. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 69 urging the United States Postal Service and the Citizens’ Stamp Advisory Committee to issue a stamp honoring the United States Army’s canine corps; to the Committee on Government Reform.

442. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 80 requesting the President of the United States and the Congress of the United States to adopt changes to the Medicare Part D Program; jointly to the Committees on Energy and Commerce and Ways and Means.

443. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 67 supporting International Women’s Day and requesting the United States Senate to ratify the convention on the elimination of all forms of discrimination against women; jointly to the Committees on International Relations and Energy and Commerce.

444. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Concurrent Resolution No. 120 urging the President of the United States and the Congress of the United States to support H.R. No. 3488 to control the introduction and spread of invasive species and diseases in Hawaii; jointly to the Committees on Resources and Agriculture.

445. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 138 expressing the sense that President Bush should reconsider decision to outsource port operation to a company controlled by a foreign government; jointly to the Committees on Financial Services, Energy and Commerce, and International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 941: Mr. FORTUÑO.

H.R. 1384: Mr. ISAIAH.

H.R. 1418: Mr. STUAK.

H.R. 2588: Mr. STUPAK.

H.R. 2633: Ms. WATSON.

H.R. 3498: Ms. LEE.

H.R. 3962: Mr. LOBIONDO.

H.R. 5208: Mr. ROSS, Mr. McGovern, Mr. PRICE of North Carolina, and Ms. SCHWARTZ of Pennsylvania.

H.R. 5802: Mr. BURTon of Indiana and Mr. HAYWORTH.

H. Res. 943: Mr. SCHWARTZ of Michigan.

PETITIONS, ETC.

Under clause 3 of rule XII,

153. The SPEAKER presented a petition of Mr. Sherwood Theodore Rodrigues, a Citizen of Bremerton, Washington, relative to petitioning the Congress of the United States for redress of grievances; which was referred to the Committee on the Judiciary.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 14 by Mr. FILNER on House Resolution 917: Ted Strickland and Michael H. Michaud.
The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

Eternal Lord God, ruler of our nature, hallowed be Your Name. Today, we pray for those in the forefront of world events, for Government leaders, as well as all those whose words and influences shape the course of human history. Give them the courage not to tolerate injustice or resort to violence as a first option. Remind them that You bless peacemakers and call them Your children.

Guide our Senators as they use the immense resources of this land to bring relief to the oppressed. Make them good stewards of your manifold grace and may their lives magnify Your name. Today, use them to establish peace and justice in our land.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we return to session for the consideration of the port security bill. Last night we were able to complete work on the Defense appropriations bill, with a final vote of 98 to 0 on passage.

Following that vote, we began consideration of the port security bill with opening statements which began last night and continue this morning.

I stated last night that we will not be voting on amendments today, but we do anticipate Members will come forward and offer and debate amendments over the course of business today and Monday. The two leaders will then work with the managers and begin stacked votes on those pending amendments for Tuesday morning.

Having said that, I ask Senators to make themselves available today and Monday to debate their amendments.

I again remind my colleagues of the joint leadership event on Monday which will observe the fifth anniversary of the terrorist attacks on September 11. We will have a brief ceremony beginning at 6 p.m. on Monday on the east front of the Capitol. All Senators are invited to participate.

Mr. President, I turn to my colleague from Missouri. I have a short statement on port security, but I know the Senator has other scheduling issues today. I will defer to him and then make my statement on port security following his remarks.

The PRESIDENT pro tempore. The Senator from Missouri is recognized.

ANNIVERSARY OF SEPTEMBER 11, 2001

Mr. BOND. I thank the Chair, I thank the majority leader.

Mr. President, 5 years ago Monday, we witnessed the murder of 3,000 Americans in the largest terrorist attack on American soil in the Nation’s history.

September 11 was a day of loss but also a day of lessons. On September 11, 2001, the American people learned there exists a group of killers, fueled by a twisted version of Islam, who want to destroy America. But we also witnessed how a group of passengers in one hijacked plane, United flight 93, banded together, fought back, and saved countless lives in a simple, selfless act of heroism.

Today, we continue to fight the same group of killers not on an airplane over America but in a country in their own neighborhood, Iraq, and elsewhere in the Middle East and around the world.

It is the same enemy, the same determination, the same goal. But today we are fighting the radical Islamists on their own turf because we have a President who knows if America doesn’t fight back, another September 11 is inevitable.

Although the central front on the war in terror is Iraq, we have the fight to every corner of the globe. We have improved our intelligence capabilities. We have programs in place to help watch what the bad guys are doing, gather intelligence and disrupt their plans.

We have made progress. We passed the PATRIOT Act, developed effective terrorist surveillance programs, created the Department of Homeland Security, established the Director of National Intelligence, and tore down the wall built by previous administrations which blocked critical communications between agencies.

That work has paid off. There has been no attack in the United States since September 11. Afghanistan and Iraq are now free. They have held elections. They are taking control of their own security forces.

Yet while the threat level remains high, some in this country, and regrettably in this Senate, want to let our guard down. Some talk of giving up the fight in Iraq. Let’s not talk of “troop redeployment” and other such euphemisms. If America pulls out of Iraq now, it signals to our enemies we have given up.

On that day, the United States and the world will embark on a future of
truth; that is, that our enemy will not
President and the Secretary know the
Secretary of Defense. Thankfully, the
where, rather, how to bring down the
to defeat terrorists in Iraq and else-
United States withdraws from the rest
Public, trying to convince them if the
Colleagues want to play on the weary
ple are being challenged and tested.
that view, even though the facts do not
am afraid politics is what is driving
emies, but they understand politics. I
ervatives and degraded the capabilities of a
capture of many of al-Qaida
enforcement resources, has led to the
the use of military intelligence and law
in the world our children live in.
make today will shape the world we
war on terror against radical Islam will
minority leader proudly boasting, “We
political game. This is not the first
continue to play the war on terror as a
gram. They blocked reauthorization of
hold to the first sign of
hand and abroad. Accomplishment will
take resolve and determination and a
long-term commitment, not aban-
donning our efforts at the first sign of
hardship.
As I said at the beginning, the pas-
senger of United Flight 93 banded to-
together, fought back, and died to save
countless lives in a simple, selfless act
of determination. It is that kind of de-
termination that will serve us well as
we confront the challenges ahead.
I ask unanimous consent that the
statement of Iraqi Ambassador Samir
Sumaidaie be printed in the RECORD
after my remarks.
There being no objection, the mate-
rial was ordered to be printed in the
RECORD, as follows:

WHAT IRAQ NEEDS
BY SAMIR SUMAIDAIE
AUGUST 28, 2006—As the debate on Iraq
rages on, more and more American voices
call for throwing in the towel and leaving
the mess to the Iraqis to sort out.
The controversy over the decision by the
United States to remove the Saddam Hussein
regime should not prevent an honest assess-
ment of the situation. Unfortunately, the
post-Hussein period was not well managed
and is now widely acknowledged. But we are
there, and there is a future for all our chil-
dren to secure. Plan A—remaining in the
region to religious fanatics and Baathist ter-
rors—is nothing but a declaration of de-
fate dressed up to look like a vision for the
future.
Our enemies’ strategy has never changed:
creating mayhem and making Iraq un gover-
able, thereby driving the Americans and
their allies out, and installing a Saddam look-alike to rule. In pursu-
ing this strategy, they have forged many
alliances and changed course and tactics
many times.
Just as they have kept to their strategy
and adapted, we should do the same. In this
context, staying the course must mean
adapting our approach while still standing
firm for democracy and for a new vision for
the country and the world. If we abandon
our effort, our enemies win by default.
Those in the new government and leaders
of civil society in Iraq are putting their lives
on the line every day in the service of a
Democratic society. And it is this that our
enemies are most afraid of—not U.S. forces
but a real democracy in the Middle East that
would showcase human rights, women in
politics and the rule of law. And they fear
that this worst-case scenario could prove to be
catastrophic.
What has made the last three years hugely
more difficult and complicated is the fact
that we all underestimated the determina-
tion of our opponents—and some of our
neighbors—to undermine this project. In
the context of a global confrontation, this
has pitched our fledgling democracy onto the
front line of a monumental struggle. It is
these outside forces, allied with Saddamists,
other terrorists and regular criminals, that
threaten to overwhelm us.
A retreat on Iraq would encourage all the
enemies of the United States—and they are
many—to be bolder and ready to challenge
its interests everywhere. A radicalized,
totalitarian, fragmented Iraq, sitting on a
lake of oil, would become the center of a new
and dangerous bloc threatening the United
States and world peace.
Not only would abandoning Iraq to its fate
now be irresponsible, it would almost cer-
tainly lead to disintegration and dictator-
ship, with a high risk of a wide regional con-
flict—a catastrophe for not just Iraq but also
for the United States and for world peace.
The Iraqis understand what is at
stake. The administration understands
what is at stake. Those on this side of the
aisle do, but, unfortunately, some in the
minority do not. For political reasons, they will not acknowledge the
reality.
So we may expect to see they will
continue to play the war on terror as a
political football and not the first
time, for sure. They have long argued
for a cut-and-run strategy and have
blocked our efforts and time again to
fight this war. The minority voiced op-
position to the NSA surveillance pro-
gram. They blocked reauthorization of
the PATRIOT Act for months, with the
minority leader proudly boasting, “We
killed the PATRIOT Act.”
Sadly, the political games will con-
tinue at least until November. But the
war on terror against radical Islam will
last for generations. The choices we
make today will shape the world we
live in, the world our children live in.
Republicans have worked to make
America safer. Action by the President
and the Republican majority through the
use of military intelligence and law
enforcement resources, has led to the
capture of many of al-Qaida’s top lead-
ers and degraded the capabilities of a
terror network.
More needs to be done, both here at
home and abroad. Accomplishment will
take resolve and determination and a
long-term commitment, not aban-
donning our efforts at the first sign of
hardship.

As I said at the beginning, the pas-
senger of United Flight 93 banded to-
together, fought back, and died to save
countless lives in a simple, selfless act
of determination. It is that kind of de-
termination that will serve us well as
we confront the challenges ahead.
I ask unanimous consent that the
statement of Iraqi Ambassador Samir
Sumaidaie be printed in the RECORD
after my remarks.
There being no objection, the mate-
rial was ordered to be printed in the
RECORD, as follows:

WHAT IRAQ NEEDS
BY SAMIR SUMAIDAIE
AUGUST 28, 2006—As the debate on Iraq
rages on, more and more American voices
...
* Supporting the government of Prime Minister Nouri al-Maliki in its efforts to disarm the militias. What is needed is a detailed, multifaceted approach that encompasses military, political, and public-information considerations as well as conventional force.

* Applying maximum pressure on regional powers to maintain security in Iraq and start helping to stabilize it.

* Mobilizing the Iraqi people to oppose the extremists in their midst.

Those who say that Iraqis are at each other’s throats and should be left to fight it out are wrong. A minority of sectarian extremists and Saddamists is causing and promoting sectarian violence. These resters have been successful in intimidating the rest of the population, which abhors them. When they are challenged, as they should be, the great majority of Iraqi men and women will be very supportive.

* Taking the initiative from our enemies by acting boldly and aggressively. Our posture should not be defensive. That is a recipe for defeat.

* Working out a bipartisan U.S. domestic consensus in favor of winning this war for America and democracy. (That item is for American leaders to achieve; the others are collaborative U.S.-Iraqi endeavors.)

All this is achievable. Iraqis are resilient. They want their normality and a chance to build a future in freedom and dignity. They are fighting and dying for it every day. Witness the numbers enlistling in the security forces despite horrific losses. Witness the support Iraqi women are providing for the political process and the potential of their emancipation.

The United States cannot escape responsibility for the current situation in Iraq. Not only would abandoning Iraq to its fate now be irresponsible, it would almost certainly lead to a war of conquest and dictatorship, with a high risk of a wide regional conflict—a catastrophe for not just Iraq but also for the United States and for world peace and stability for decades to come. On the other hand, winning this war would be one of the best gifts the United States could make to America, and continues to make America, safer and more secure. We hit a few bumps and distractions along the way, but the end result was passing the Defense appropriations bill. Under the tremendous leadership of the President pro tempore, who is occupying the chair, we passed a bill that makes America, and continues to make America, safer and more secure. We helped to bring to our troops the cutting-edge technologies and resources that they need and will continue to need in fighting the war against terror.

It is important to share with our colleagues and the American people that in these appropriations bills, pending bills that are coming to the Senate, we are addressing some of the issues that are not the principal focus of the bill but are very important issues to address, issues of concern and focus of the American people. I refer to an element of border security.

Most Members, as we traveled around the country and through our States over the last several weeks and during August, heard again and again that the American people want to focus on security at our perimeter, at our border, and at our ports. We are on the port security bill today.

In addition, it is important to note, for border agents, over the past 2 years we have made huge progress in funding initiatives along our border, as reflected in the bills, the Homeland Security appropriations bill and the bill we passed yesterday, the Department of Defense appropriations bill. If we examine the last 2 years, we see how much progress, indeed, has been made for the border. We have added $3,736 new Border Patrol agents, for a total of $15,455. We have added in these bills 9,150 new detention beds, for a total of 27,500.

We have added, in these bills, 370 miles of border security fencing and added 461 miles of vehicle barriers along that Southwest border. We have added $882 million for border tactical infrastructure and facilities construction.

As for detention personnel, we have added 1,373 detention personnel, for a total of over 5,500. People ask about Customs and Border Protection officers. Indeed, we have added 460 new Customs and Border Protection officers for seaport inspections, for a total of 18,321 officers at ports of entry.

For the Department of Defense appropriations bills, we have added $7.5 billion for the Coast Guard maritime border security, including $1 billion for Coast Guard port security and $2.1 billion for deepwater assets.

I mention these figures and this data because that is what we have done over the last 2 years in the supplemental bill, the Homeland Security bill, and the Department of Defense appropriations bills.

In fact, spending on border and immigration enforcement has increased from less than $4 billion prior to 9/11 to over $16 billion today—a fourfold increase. Catch and release has been ended. Apprehensions are up along the border by 45 percent. We are acting. We are funding. We are controlling the borders. We have a long way to go, but we are delivering on border security.

Security and safety are not static states. They are dynamic, which means we must constantly take steps, which we are doing on the floor to bolster them.

Earlier this year, I took a trip to the west coast and toured Long Beach Port in Southern California. It was amazing. I took an aerial tour, talked to all of the people there from security to the people handling the containers. Over 13,000—13,000—containers come through that one port every day. It is the largest port in the country. It is the third largest in the world.

It is not far from Los Angeles or LAX where 62 million passengers pass through annually. To say the least, this part of the country is a major front on the battle to protect our ports from terrorist attacks.

I am delighted we did turn to the port security bill last night. We have much to do over the next several days. Opening statements made last night and over the course of the day.

The bill before us now will provide the structure and resources necessary to strengthen our seaport vulnerabilities and better protect the American people and our economy.

It is not far from Los Angeles or LAX where 62 million passengers pass through those ports. It addresses security throughout the international cargo supply chain—from factory gate in a foreign country to screening in the U.S. port of final destination.

The U.S. maritime system includes more than 300 sea and river ports, with more than 3,700 cargo and passenger terminals. More than 95 percent of all U.S. overseas trade, excluding trade with Mexico and Canada, arrives by ship, the top 50 of which in the United States account for about 90 percent of all cargo tonnage, and 25 U.S. ports account for 98 percent of all container shipments.

Most of the 60,000 U.S. port calls made each year are foreign owned and crewed. Less than 3 percent of U.S. overseas trade is carried on U.S.-flagged vessels.

What all this means is that ports are a significant choke point for an enormous amount of economic activity for this country. In and of themselves, they, therefore, represent an attractive target for terrorists.

Equally significant is that ports clearly facilitate the transportation of something from one place to another. Goods arrive at and depart through these ports—by ship or train and from there transferred to a waiting tractor-trailer or train and from there target anywhere in this country.

Just imagine if terrorists seized control of a large commercial cargo ship and used it as a collision weapon for destroying a bridge or refinery on the waterfront.

Imagine the damage if terrorists sank a large commercial cargo ship in a major shipping channel, thereby blocking all traffic to and from that port.

These are not pipe dreams. They are legitimate threats. Remember when the USS Cole was attacked by a bomb laden boat during a refueling stop in Yemen? Had that occurred in a U.S. port, not only would the port of calling be shut down but very likely officials would halt the entire U.S. maritime transportation system, as they did in the days immediately following 9/11.
Studies suggest that such a disruption in trade would reverberate throughout the country, costing billions of dollars. The 9/11 Commission—if we look back at their recommendations—concluded that “opportunities to do harm are as great, or greater, in maritime and surface transport as in commercial aviation. That is why we have elected to bring this bill to the floor of the Senate. That is why the bill before us is so very important. It provides the Department of Homeland Security with the additional authorities and vital tools necessary to improve maritime security and to foil plots to injure or destroy our ports, to the detriment of our people and to the detriment of our economy.

Effective port security is a critical component of national security. And the bill before us now is a critical component of effective port security.

I look forward to a thoughtful and engaging debate over the next several days regarding the security of our ports. My colleagues will join me in supporting this very important piece of legislation.

SECURITY AND ACCOUNTABILITY
FOR EVERY PORT ACT

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

The legislative clerk read as follows:

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

The PRESIDENT pro tempore. Who seeks recognition?

The Senator from Maine.

Ms. COLLINS. Mr. President, for the information of our colleagues, I thought I would describe how we are going to be proceeding today. Shortly, the President pro tempore, who is the manager of the bill, will be making his opening statement. It is my understanding he will then move to lay down an amendment offered by Senator DEMINT and a substitute amendment offered by Senator INOUYE relating to the WARN Act, which is a Commerce Committee bill. We will not be voting on that amendment today, it is my understanding, under the agreement that has been previously reached.

We are open for business on other amendments for Members who may come to the floor or Members who wish to speak on this bill.

Thank you, Mr. President.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, as we all know, Monday marks the fifth anniversary of September 11 and the terrorist attacks against this country. Shortly after those attacks, during the 107th Congress, the President signed into law the Maritime Transportation Security Act of 2002, which was developed by our Commerce Committee to enhance maritime security. Since then, our Commerce Committee has worked as hard as possible to pass and implement a number of initiatives which have made our ports and borders more secure.

Today we celebrate the Port Security Improvement Act of 2006. This bill marks the first time three Senate committees have merged their collective expertise and crafted a truly comprehensive approach to port security. A bipartisan group of members from the Commerce Committee, the Finance Committee, and the Homeland Security and Governmental Affairs Committee have worked together for several months on this bill.

As I understand it, these three committees each have tremendous knowledge about our ports and programs which protect and secure our international supply chain. I believe it is a credit to the Senate that each committee has put their expertise to use. For that reason, I expect that the resources, put aside jurisdictional issues, and reach a consensus on this bill.

When enacted, this bill will strengthen our land and sea ports, improve our maritime transportation security strategy, and enhance communication between the Department of Homeland Security and transportation security stakeholders.

It includes a plan to get our trade activities up and running again in the event of a transportation security incident. And it creates a pilot program which will study the feasibility of scanning each of the containers—100 percent of the containers—entering our ports.

Mr. President, I spent considerable time in the last couple of years examining our ports, and particularly the west coast, which is really sort of the domain I know best. When I was a boy, the Port of Los Angeles was three separate ports of San Pedro, Long Beach, and Los Angeles. The Port of Los Angeles is now an enormous area. Forty percent of the seaborne trade of the U.S. comes through the Port of Los Angeles, the Port of Long Beach, and of course, the Port of Seattle, which is the home of our colleague, Senator MURRAY, but also is sort of the stepping stone into my State of Alaska. It is a dynamic port and one that has been experimenting to a great extent on how to bring about container inspection, container scanning.

I personally went through each of the ports to see what was being done. There are still a great many problems. I must say that the people operating the ports, including those who are really the working people, have gone out of their way to try to make certain that those ports are safe and secure and that the containers are, in fact, scanned to the best extent possible now. But we want to do this pilot program to see if it is possible to tell our people that 100 percent of the containers coming into the country are scanned.

This legislation will enhance the collection and analysis of information about cargo destined for our ports. Those in the shipping industry are our partners and ears with security, and this bill aims to increase awareness of the operations at domestic and foreign ports. Once those in industry share important information about cargo in the international supply chain, we must analyze it quickly. This legislation expedites that process and ensures it begins earlier in the supply chain—before containers even reach our shores. This act requires information about cargo be provided and analyzed before it arrives. Once the information comes in, the Department of Homeland Security is mandated to determine if the cargo is safe. It then has ninety days to make that determination.

This bill also expands several initiatives with a proven track record of success. There are also voluntary public-private partnerships. The Customs-Trade Partnership Against Terrorism, C-TPAT, a voluntary public-private partnership, is also strengthened in this bill. The Commissioner of Customs and Border Protection will now be able to certify that a business’s supply chain is secure from the point of manufacture to the product’s final U.S. destination. Under this legislation, whether cargo crosses our border at Laredo or arrives on a ship from Hong Kong, participating companies’ supply chains will undergo a thorough security check. This will include another layer of the C-TPAT initiative. Since this is a voluntary system, we have also included provisions which encourage those in industry to go above and beyond the security requirements already in place. These incentives include expedited clearance of cargo.

Mr. President, while I was disappointed earlier this year by the negative public reaction to foreign investment in our Nation’s port terminals, we learned a great deal from hearings held by the Commerce Committee on this matter. As a result of those hearings, this bill requires DHS to conduct
September 8, 2006

CONGRESSIONAL RECORD—SENATE S9231

SECTION 106: ESTABLISHMENT OF INTERAGENCY SECURITY FACILITY SECURITY PLANS. Authorizes DHS to develop, implement and update a strategic plan to improve the security of the international cargo supply chain. The plan would be required to identify and address gaps in port security, establish protocols for the resumptions of trade including identification of the initial incident commander, consider international standards for container security, and allow for communication with stakeholders.

SECTION 202: POST INCIDENT RESUMPTION OF TRADE. Establishes that the initial incident commander and lead department carry out the protocols of the international cargo supply chain strategic plan. The Coast Guard would ensure the safe and secure transit of vessels to U.S. ports. Preference would be given to certain vessels and containers. The Secretary would ensure that there is appropriate coordination among federal officials and communication of revised procedures, not inconsistent with security purposes, to the private sector to provide for the resumption of trade.

SECTION 205: CONTAINER SECURITY INITIATIVE (CSI). Requires DHS to identify, examine or search maritime containers before U.S.-bound cargo is loaded in a foreign port. Designates foreign ports as part of the CSI program based upon select criteria including risk, trade volume and value of cargo, Coast Guard assessments, and the current state of the international supply chain. Data would be analyzed to identify high-risk cargo for inspection. Authorization of appropriations to fund CSI for FY 2008-2009.

SECTION 206: CONTAINER SECURITY PROGRAM. Requires DHS to promulgate rules to establish minimum standards and procedures for securing containers in transit to the U.S. If the rulemaking deadline is not met, DHS would have to provide a letter of explanation to Congress. DHS and other federal agencies are encouraged to promote international cargo security standards.

SECTION 214: TIER 1 PARTICIPANTS IN C-TPAT. Requires DHS to develop a plan to ensure adequate staffing at CSI ports. Requires DHS to submit a report to Congress on the effectiveness of, and need for improvements to, CSI. Authorizes appropriations for FY 2008-2010.

SUBTITLE B: CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM (C-TPAT). Requires DHS to develop and implement a strategic plan to strengthen international supply chain and border security, facilitate the movement of secure cargo and provide benefits to eligible participants.

SECTION 211: ESTABLISHMENT. Authorizes DHS to establish a voluntary program (C-TPAT) to strengthen international supply chain and border security, facilitate the movement of secure cargo and provide benefits to eligible participants.

SECTION 212: ELIGIBLE ENTITIES. Allows importers, customs brokers, forwarders, air, sea, and land carriers, contract logistics providers and other participants in the international supply chain and intermodal transportation system to apply for this voluntary program.

SECTION 213: MINIMUM REQUIREMENTS. Establishes minimum security and other requirements that applicants must meet to be eligible in C-TPAT.

SECTION 214: TIER 1 PARTICIPANTS IN C-TPAT. Allows for limited benefits for participants.
which may include a reduction of the ATS risk score, to those C-TPAT participants that meet the minimum guidelines established. To the extent practicable, DHS would comply with its certification requirements for the initial evaluation and revalidation of C-TPAT participants within 90 days of a candidate’s application.

Section 215: Tier 2 participants in C-TPAT. Allows CBP to establish the level of benefits and requirements for Tier 2 participants in C-TPAT. Requires CBP to develop and implement a program for revalidating C-TPAT participants within one year of certification.

Section 216: Tier 3 participants in C-TPAT. Establishes a third-tier of C-TPAT offering increased benefits to participants that demonstrate a sustained commitment to security based on specific criteria. Benefits may include, among others, expedited release of cargo, further reduced examinations, reduced bonding requirements, and notification of specific alerts and post-incident procedures as well as inclusion in joint incident management exercises, as appropriate.

Section 217: Non-containerized cargo. Allows non-containerized cargo, including imports of non-containerized cargo as participants in C-TPAT, provided program requirements are met.

Section 220: C-TPAT program management. Requires DHS to establish sufficient internal quality controls and record management of C-TPAT including development of a strategic plan to identify goals, annual plans for revalidation, detailing performance measures and necessary personnel requirements.

Section 221: Resource management staffing plan. Requires development of a staffing plan to recruit, train, and cross-train C-TPAT personnel.

Section 222: Additional Personnel. Obliges DHS to increase, by at least 50 positions annually for fiscal years 2007 through 2009, the number of personnel to validate and revalidate C-TPAT members.

Section 223: Authorization of appropriations. Authorizes appropriations to Customs and Border Protection in DHS to carry out the C-TPAT provisions of sections 211 through 221. In addition to any monies appropriated to Customs and Border Protection, an Office of International Trade. Establishes an International Trade Policy Committee to assist in coordinating the DHS Assistant Secretary for Policy regarding commercial customs and trade facilitation functions. Establishes an International Trade Finance Committee to coordinate and oversee the implementation of programs involved in the assessment and collection of duties on U.S. imported and exported cargo.

Section 602: Resources. Requires CBP to complete a resource allocation model, by June 2007 and every 2 years thereafter, to determine optimal staffing for commercial and revenue functions. Requires submission of models of Congress. Authorizes appropriations to increase the number of CBP personnel to perform commercial operations and customs revenue functions: new hires would be based upon aforementioned models and additional authorized 725 CBP officers.

AMENDMENT NO. 4921

Mr. STEVENS. Mr. President, I understand that there was a negotiation going on concerning an amendment that is before the Senate now. I have been asked to call up Senator DeMINT’s amendment. There is a negotiation going on concerning a possible modification of it. He called me to let me know that this be placed before the Senate. I wish to comply with his request.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Senator DeMINT, proposes an amendment numbered 4921.

The amendment is printed in the CONGRESSIONAL RECORD of September 7, 2006, under “Text of Amendments.”

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I understand there is a pending amendment. I ask unanimous consent that amendment be laid aside and that I be allowed to speak for 7 minutes in morning business.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that a summary of the Port Security Improvement Act of 2006 prepared by my staff be printed in the RECORD.

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

THE PORT SECURITY IMPROVEMENT ACT OF 2006—SUMMARY

This legislation will provide the structure and guidance needed to better protect the American people from attack through our seaports that are both vulnerable points of entry and vital centers of economic activity. Each day, thousands of containers pass through the ports and 53,000 foreign-flagged vessels call at U.S. ports. This bill builds upon and addresses all major aspects of maritime cargo security. The bill reflects not only bipartisan consultation and support, but coordination among the Senate Homeland Security, Commerce, and Intelligence Committees.

DEPARTMENT OF HOMELAND SECURITY (DHS) MUST ESTABLISH STRATEGIES AND STANDARDS

Strategic Plan. The Secretary of Homeland Security must develop a strategic plan to enhance supply chain security for all modes of transportation by which containers arrive in, depart from, or move through seaports of the United States. The Secretary must clarify roles, responsibilities, and authorities of all government agencies at all levels and private sector stakeholders. The plan must provide measurable goals for furthering the security of commercial operations from point of origin to point of destination, build on available resources and consider costs and benefits, and identify recovery methods.

Container Security Standards. Because container security standards have languished at the Department of Homeland Security (DHS), the legislation requires the Secretary to establish minimum standards for the movement and storage of containers within 180 days of the enactment of the bill. The bill directs the Secretary to establish a pilot program at the cargo is not known. The bill requires a higher risk, versus scanning each container. Some people have asked: Why don’t we scan 100 percent of the 11 million containers coming into this country? And the answer is simply that it is not practical with the current technology. Therefore, the bill authorizes three pilot projects in three foreign ports where we would take a look at the feasibility and practicality and the implications of 100 percent scanning.

The problem of trying to scan 100 percent of all containers is best supported by a recent letter we recently received from the Supply Chain Security Coalition. This is a coalition of some of the largest and most knowledgeable stakeholders in the supply chain’s system, including the Retail Industry Leaders Association.

The letter says:

One hundred percent scanning proposals and amendments advocating such a proposal could potentially actually decrease security by forcing containers to sit for extended periods of time, putting them at greater risk of tampering, and would divert resources away from the current risk assessment approach.

And this is the key point—such a mandate has the potential to significantly impede the flow of commerce and damage the U.S. and global economy.

Mr. President, I ask unanimous consent that the full text of that letter be placed in the RECORD, as follows:

Hon. SUSAN COLLINS, U.S. Senate.

DEAR SENATOR COLLINS: On behalf of the Retail Industry Leaders Association, I am

CARGO SECURITY PROGRAMS

Improved Automated Targeting System. A critical component of the targeting of cargo for inspection is the Automated Targeting System. This computer-based system helps DHS to determine which cargo presents a high security risk. The legislation requires the Secretary to confirm and establish the conformation of data related to the importation of cargo in order to improve the targeting of high-risk cargo. It also requires the Secretary to establish an independent review of the system.

Container Security Initiative (CSI). The bill establishes CSI to identify and examine maritime containers that pose a risk to terrorism at foreign ports in order to keep potential terrorist threats out. Under CSI, U.S. Customs and Border Protection (CBP) personnel work closely with foreign government officials to target and inspect cargo headed to the U.S. at foreign ports. Therefore, the Secretary may designate a foreign port under CSI, the Secretary must conduct a full assessment of the risk of terrorists compromising the containers; the capabilities and level of cooperation of the intended host country; and the potential for validation of security practices by the Department.

Customs–Trade Partnership Against Terrorism (C-TPAT). This legislation establishes the C-TPAT program to strengthen and improve the overall security of the international supply chain. This voluntary program encourages participants to take steps to ensure that their supply chains are secure. Based on a participant’s efforts in the program, they are placed on one of three tiers. The legislation requires the Secretary to validate the supply chain security practices of each participant and offer benefits to participants based on their levels of certification and validation.

C-TPAT Top Tier. The top tier (Tier 3) or Green Lane participants secure the highest level of benefits, which may include the following: reduced examinations, priority examinations and searches, and the expedited release of cargo during all threat levels.

Uniform Data for Government-Wide Usage. To simplify the filing of documentation needed to import cargo and facilitate the compilation of data, the Secretary of Treasury shall complete the implementation of the International Trade Data System, a single, uniform data system for the electronic collection, dissemination, and sharing of import and export information.

Radiation Detection and Radiation Safety. Radiation detection equipment is critical to ensuring that no radiological device leaves a U.S. port. The bill directs the Secretary of DHS to install radiation monitors at the 22 largest U.S. ports by the end of 2007. This will cover 98 percent of incoming container traffic.

100 Percent Scanning Pilot Program. The Secretary shall establish a pilot program at three foreign ports to test the practicality and effectiveness of systems designed to scan 100 percent of all containers. The scanning systems on these projects must couple non-intrusive imaging and radiation detection equipment.

In-Bond Cargo. Cargo that travels in-bond through the U.S. from the ports is a major vulnerability because the final destination of the cargo is not known. The bill requires a report that would include whether additional information should be required for in-bond cargo, a plan for tracking in-bond cargo in the to-be-developed ACE system, and a report on how to ensure 100 percent reconciliation between the port of arrival and destination.

RESOURCES AND COORDINATION FOR PORT SECURITY

Port Security Grants: Funding and Training. The bill establishes risk-based grants, training, and exercises for port security. The legislation authorizes $300 million in appropriations for port security grants.

Office of Cargo Security Policy. This legislation establishes within the Department of Homeland Security an Office of Cargo Security Policy. This office will seek, seek, seek, seek, seek, seek.

Interagency Operations Centers. The bill directs the Secretary to establish Interagency Operation Centers for Maritime and Cargo Security at all high-priority ports to enhance information sharing and facilitate day-to-day operational coordination, and incident management and response between agencies. The agencies at the operations centers include the Coast Guard, CBP, the FBI, Department of Defense, state and local law enforcement or port security personnel, and private sector stakeholders, as the Secretary determines is appropriate.

Research, Development, Test and Evaluation (RDT&E). The Secretary must direct RDT&E efforts in furtherance of maritime and cargo security. The legislation encourages the ingenuity of the private sector in developing and testing such technologies, and evaluate such technologies. The Secretary shall ensure all Department RDT&E efforts are coordinated to avoid duplicative efforts and share results.

Ms. COLLINS. Mr. President, one of the issues that will undoubtedly come up during the debate on the port security bill has to do with the scanning of containers. Some people have asked: Why don’t we scan 100 percent of the 11 million containers coming into this country? And the answer is simply that it is not practical with the current technology. Therefore, the bill authorizes three pilot projects in three foreign ports where we would take a look at the feasibility and practicality and the implications of 100 percent scanning.

The problem of trying to scan 100 percent of all containers is best supported by a recent letter we recently received from the Supply Chain Security Coalition. This is a coalition of some of the largest and most knowledgeable stakeholders in the supply chain’s system, including the Retail Industry Leaders Association.

The letter says:

One hundred percent scanning proposals and amendments advocating such a proposal could potentially actually decrease security by forcing containers to sit for extended periods of time, putting them at greater risk of tampering, and would divert resources away from the current risk assessment approach.

And this is the key point—such a mandate has the potential to significantly impede the flow of commerce and damage the U.S. and global economy.

Mr. President, I ask unanimous consent that the full text of that letter be placed in the RECORD, as follows:

Hon. SUSAN COLLINS, U.S. Senate.

DEAR SENATOR COLLINS: On behalf of the Retail Industry Leaders Association, I am
writing to urge you to support strong and carefully crafted port security legislation that builds on the current multilayered, risk assessment approach that has effectively protected our seaports over the past several years. I also urge you, in the strongest terms possible, to oppose any legislation that would require all U.S. bound cargo containers to be scanned for radiation and density, so called 100% scanning legislation. While we strongly support improving the security of our nation’s seaports, 100% scanning proposals have the potential to do more harm than good.

The Retail Industry Leaders Association (RILA) is the trade association of the largest and fastest growing companies in the retail industry. Its members include retailers, product manufacturers, and service suppliers with an annual revenue of over $5.1 trillion in annual sales. RILA members operate more than 100,000 stores, manufacturing facilities and distribution centers, have facilities in all 50 states, and provide millions of jobs domestically and worldwide.

We understand that key committees in the Senate have come to an agreement on a port security bill that was taken up this morning, September 8th, 2006, and that the legislation is based on provisions from earlier bills, the Homeland Security, and the Government Affairs Committee, the Commerce, Transportation and Infrastructure Committee and the Finance Committee. Each of those bills contain important provisions that will help improve our nation’s port security laws by building upon and recognizing the effectiveness of the well-established security measures our government currently has in place. RILA supports legislation that builds upon this proven approach, which is why we worked to help pass port security laws as part of the House, the Senate, and the SAFE Ports Act. It is our hope that the Senate bill will closely mirror the House legislation, which received overwhelming bipartisan support.

However, I also strongly urge you to oppose any legislation that would require all U.S. bound cargo containers be scanned for radiation and density, so-called “100% scanning” amendments. Such proposals may at first glance appear to improve security, but in reality, they would impose immense costs on the foreign companies, without improving the security of our international trading systems.

First, a 100% scanning mandate is unrealistic since the technology does not yet exist to do this efficiently and with a high degree of accuracy. We are not aware of any credible technology to actually analyze the millions of density images that would be taken of outbound cargo containers, meaning such images would have to be reviewed one by one by a government official or Customs officer. Second, this mandate could actually decrease security by forcing containers to sit for extended periods of time, putting them at greater risk of tampering.

In addition, forcing all containers to be scanned—including the vast majority of those that pose no risk, which would divert scarce security resources away from the successful risk assessment approach currently utilized by the government. This approach uses sophisticated risk-analysis tools to determine which containers pose a risk and ensures those containers are handled appropriately. It is important for Senators to remember that the Department of Homeland Security currently uses a border-based targeting approach to inspect inbound cargo. All cargo manifests are submitted at least 24 hours prior to loading on a vessel and the Automated targeting system (ATS) uses a complex, rule-based formulas to assign a numerical score and identify at-risk containers. CBP then inspects 100% of all containers deemed high-risk.

Finally, a 100% scanning mandate has the potential to significantly impede the flow of commerce and damage the U.S. economy. According to a June 2006 study conducted by the RAND Corporation, 100% scanning would delay the delivery of containers by 5.5 million hours per container. With 11 to 12 million containers entering the U.S. every year, it is obvious that 100% scanning mandates would bring grinding to a virtual standstill. This would severely damage the U.S. economy, not only by denying consumers access to thousands of products, but also by preventing the delivery of material and other inputs that U.S. manufacturers need.

Rather than mandating 100% scanning, port security legislation should authorize additional testing and evaluation of scanning technology. Several of the relevant port security bills address this issue by calling for pilot projects and other evaluations to test the effectiveness and operational capability to conduct increased container scanning, including the “GreenLane Maritime Cargo Security Act” passed by the Senate Homeland Security Committee and the House SAFE Ports Act. These provisions represent the best way to move forward in a prudent and effective, layered system of security. It focuses on the ports of origin. It focuses on the containers, the delivery of the material and other inputs that U.S. manufacturers need.

The SAFE ports Act closely mirrors the House bill. It is our hope that the Senate bill will closely mirror the House legislation, which received overwhelming bipartisan support. Each of those bills contain important provisions that will help improve our nation’s port security laws by building upon and recognizing the effectiveness of the well-established security measures our government currently has in place. RILA supports legislation that builds upon this proven approach, which is why we worked to help pass port security laws as part of the House, the Senate, and the SAFE Ports Act. It is our hope that the Senate bill will closely mirror the House legislation. In addition, forcing all containers to be scanned would bring global commerce and the flow of goods to a virtual standstill. This would severely damage the U.S. economy, not only by denying consumers access to thousands of products, but also by preventing the delivery of material and other inputs that U.S. manufacturers need.

Rather than mandating 100% scanning, port security legislation should authorize additional testing and evaluation of scanning technology. Several of the relevant port security bills address this issue by calling for pilot projects and other evaluations to test the effectiveness and operational capability to conduct increased container scanning, including the “GreenLane Maritime Cargo Security Act” passed by the Senate Homeland Security Committee and the House SAFE Ports Act. These provisions represent the best way to move forward in a prudent and effective, layered system of security.

Ms. COLLINS. Mr. President, what has that committee proposed? Mr. McCAIN. I call up amendment No. 4922 and ask for its immediate consideration. Sincerely,

SANDY KENNEDY, President.

Ms. COLLINS. Mr. President, what has that committee proposed? Mr. McCAIN. I call up amendment No. 4922 and ask for its immediate consideration. Sincerely,

SANDY KENNEDY, President.

Ms. COLLINS. Mr. President, what has that committee proposed? Mr. McCAIN. I call up amendment No. 4922 and ask for its immediate consideration.

SANDY KENNEDY, President.

Ms. COLLINS. Mr. President, what has that committee proposed? Mr. McCAIN. I call up amendment No. 4922 and ask for its immediate consideration.
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(The amendment is printed in today's Record under "Text of Amendments.")

Mr. MCCAIN. Mr. President, I congratulate the distinguished chairman of the committee for the outstanding work that she and the ranking member, Senator STEVENS, have done in bringing forth this very important legislation. I believe the work that is done by these two Members of the Senate, in a bipartisan fashion, in order to better secure the safety of our citizens, is laudable and important. I congratulate them on this legislation that we are considering today.

This amendment would ensure that in addition to our efforts to improve port security, we also address another critical transportation mode—rail transportation. I am pleased to be joined in this effort by Senators DEWINE, SNOWE, and BIDEN.

Again, I want to say I am pleased the Senate has chosen to take up the Port Security Act of 2006 to protect our Nation's ports and waterways. I just listened carefully to the statement by the distinguished chairwoman of the committee, outlining both the threat and the way that this legislation will address these very important aspects of our Nation's security.

I would also like to point out that the bill implements several recommendations from the 9/11 Commission's final report, including allocating security grants based on risk and comprehensive port security plans. Additionally, the bill would establish an office within the Department of Homeland Security to coordinate all cargo security policy, develop a strategy for deployment of radiation detection capabilities in all ports, and establish a process to facilitate the movement of secure cargo from international ports to our ports without interrupting the international supply chain and delaying goods to consumers in the United States.

Securing our ports is a crucial part of our efforts to protect Americans at home. The amendment I am offering today would complement the underlying legislation by providing essential funding and additional tools to strengthen our Nation's rail system.

Two years ago the Senate passed by unanimous consent the Rail Security Act of 2004, legislation that was almost identical to the amendment I am offering today. That legislation was supported in the House of Representatives. Last year I reintroduced the legislation shortly after the London bombings of July 7 and language that is similar to the provisions of the Rail Security Act is in a title of the Transportation Security Act that was reported by the Commerce Committee in February. I sincerely hope that we will once again pass this important legislation. Rail security must be made a top priority of this Congress.

Look at the recent threats of attacks. We were all deeply saddened by the tragic loss of lives caused by the 2004 terrorist attacks in Madrid, the 2005 London attacks, and the terrorist attacks on commuter trains in Mumbai this summer. Those incidents are a painful reminder of the cruel nature of our enemies in our global war on terror and what we must do to fight and win against them. It is My way of life. On many occasions we have said we cannot play just defense in this war; that, instead, we must take the fight to the enemy. Still, we must do what is possible and prudent to protect Americans at home.

The provisions on rail systems abroad demonstrate all too vividly the continuing need for this legislation.

There is little doubt that we have increased dramatically our security capabilities over the past 5 years. However, there is just as little doubt that we have much more to do. Since the attacks of 9/11, only relatively modest resources have been dedicated to rail security. In fact, I would be very curious if the distinguished chairwoman of the committee knows the relative amounts of money that we have spent on rail security as compared with airport security. I think you will find it is minuscule.

Our Nation's transit system, Amtrak, and the freight railroads, I am sad to say, remain vulnerable to terrorist threats. This lack of funding exists despite the fact that the Department of Homeland Security has identified as potential terrorist targets the freight and passenger rail networks which are critical to the Nation's transportation system and national defense.

The 9/11 Commission, too, in its report on the facts and circumstances surrounding the 9/11 attacks called for improved security in all modes of transportation, noting that "... terrorists may turn their attention to other modes."

This amendment would authorize a total of almost $1.2 billion for rail security. More than half of this funding would be authorized to complete tunnel safety and security improvements at New York's Pennsylvania station, which is used by over 500,000 transit, commuter, and intercity passengers each workday.

I want to repeat that fact. Penn Station in New York City is used by over 500,000 transit, commuter, and intercity passengers each workday. Look at the amount of money we have spent to try to protect that vulnerable target as opposed to literally every major airport in America. This funding is all the more urgent given this summer's arrest by the FBI of eight suspects tied to al-Qaeda who were plotting attacks on train tunnels connecting New York and New Jersey.

The legislation would also establish a grand program authorized at $350 million to help increase security by the freight railroads, Amtrak, shippers of hazardous materials, and local governments with security responsibility for passenger stations not owned by Amtrak. Further, DHS would be required to complete a vulnerability assessment of the rail network to terrorist attack and make recommendations to Congress for addressing security weaknesses. Importantly, to protect the taxpayers' interests, all Amtrak authorizations would be reviewed by the Department of Transportation through formal grant agreements.

We all know that we face a dedicated, focused, and intelligent foe in the war on terrorism. This enemy will probe to find our weaknesses and exploit them. We have seen the vulnerabilities of rail to terrorism in other countries and the devastating consequences of such an attack. It is essential that we move expeditiously to protect all the modes of transportation from potential attack.

I also note that this amendment is cosponsored by Senators DEWINE, SNOWE, and BIDEN. I thank the Senator for their cosponsorship of this critical measure.

I trust the Senate will once again pass this essential legislation. We owe at least that much to the American people as we continue our struggle against an enemy that wants nothing less than to destroy everything we stand for and believe in.

I would like to mention to the distinguished manager of the bill that I don't think this is probably the best way to address this issue. Obviously, the bill should have stood on its own and been addressed separately with amendments to the bill. But I think there is a compelling case that can be made that, if part of the legislation would be enacted, on, so must rail security. I do not diminish the importance of this legislation. But, again, I would like to point out railway stations all over America have received very little attention and very little funding. Are we going to wait until there is an attack, such as where we arrested eight subjects this summer who were planning attacks on rail connections between New York and New Jersey or are we going to get ahead of this?

I come from a State where very few of our passengers use rail. But I think it is very important to point out that in places in the Northeast this is a primary form of transportation. Just a couple of blocks from here, if you did a rough assessment, you would find at Union Station there are significant vulnerabilities.

By the way, I would like to mention that Senator STEVENS has played a key role in this effort on this legislation. We have worked together. His leadership has been vital. I know his efforts have been very important, and I want to express my appreciation.

I say to the distinguished managers of the bill, if changes need to be made to this legislation in conference we would certainly welcome improvements. But I hope we can include this as part of this legislation so we can begin making serious efforts to ensure rail safety in America.

My thanks to the managers and my thanks to the distinguished chairman
SEC. 45. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

(a) REQUIREMENT FOR STUDY.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study of rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) PURPOSE.—The purpose of the study conducted under subsection (a) shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study conducted under subsection (a) to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include the Comptroller General’s assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. 05. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Under Secretary, in cooperation with the Secretary of Transportation, shall—

(1) conduct a study to analyze the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains; and

(2) not later than 1 year after the date of the enactment of this Act, submit a report containing the results of the study and any recommendations that the Under Secretary may have for implementing a rail security screening program to—

(1) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(c) a plan for coordinating rail security initiatives undertaken by the public and private sectors.

(2) FORMAT.—The Under Secretary may submit the report in both classified and redacted formats if the Under Secretary determines that such action is appropriate or necessary.
SEC. 60. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.

Any statutory limitation on the number of employees in the Transportation Security Administration of the Department of Transportation after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provisions of this title.

SEC. 67. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation may award grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, New York, Baltimore, Maryland, and Washington, D.C.

(b) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary of Transportation for the purpose of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels, to provide ventilation, electrical, and fire safety technology, and for communications, lighting, and passenger egress systems $10,000,000 for fiscal year 2007; and $170,000,000 for fiscal year 2010.

(2) For the Baltimore & Potomac tunnel and the DC Union Station tunnel to improve ventilation, communication, lighting, and passenger egress systems $30,000,000 for fiscal year 2009; and $8,000,000 for fiscal year 2010.

(c) INFRASTRUCTURE UPGRADES.—

There are authorized to be appropriated to the Secretary of Transportation $3,000,000 for fiscal year 2007 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABLE OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless for each project funded under this section, the Secretary has approved a project management plan prepared by Amtrak that appropriately addresses—

(A) project budget;

(B) construction schedule;

(C) recipient staff organization;

(D) document control and record keeping;

(E) change order procedure;

(F) quality control and assurance;

(G) periodic plan updates;

(H) periodic status reports; and

(I) such other matters the Secretary determines to be appropriate.

(f) REVIEW OF PLANS.—

(1) COMPLETION.—The Secretary of Transportation shall complete the review of the plans required under paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans not later than 45 days after the date on which each such plan is submitted by Amtrak.

(2) INCOMPLETE PLANS.—If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete or deficient portions and—

(A) request that Amtrak promptly submit a modified plan for the Secretary’s review.

(3) REVIEW OF MODIFIED PLANS.—Not later than 15 days after receiving the Secretary’s notification under subparagraph (A), Amtrak shall submit a modified plan for the Secretary’s review.

(4) APPROVAL OF MODIFIED PLANS.—Not later than 60 days after the Secretary’s receipt of a modified plan, the Secretary shall approve the modified plan or request additional information.

(b) RAIL SAFETY REGULATIONS.—

Section 50103(a) of title 49, United States Code, is amended by striking ‘‘railroad safety, including railroad security, including secu-” and inserting ‘‘railroad safety, including railroad security, including secu-”.

SEC. 69. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

‘‘24318. Plans to address needs of families of passengers involved in rail passenger accidents.

‘‘(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Rail Safety Act of 2006, Amtrak shall submit to the Chairman of the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity passenger train and resulting in a loss of life.

(b) CONTENTS OF PLAN.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified) that will be on the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

(2) A plan for creating and publishing a readily available toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

(5) A process by which the family of each passenger will be consulted about the disposition of all remaining needs and effects of the passenger within Amtrak’s control; that any possession of the passenger within Amtrak’s control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak’s control will be retained by the rail passenger carrier for at least 18 months.

(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

(7) An assurance that Amtrak will provide adequate training to its employees and adequate resources to meet the needs of survivors and family members following an accident.

(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary...
of Transportation, and Amtrak may not re-lease to any person information on a list ob-tained under subsection (b)(1) but may pro-vide information on the list about a pas-senger train or rail car operated by Amtrak to the Department of Transportation, upon request.

(c) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in pre-paring or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liabil-ity was caused by Amtrak’s conduct.

(2) EQUITY.—Nothing in this section may be construed as conferring any rights on Amtrak or otherwise representing an unreasonable risk to the Secretary or otherwise represent an unreasonable risk to any passenger or passenger train operations.

13. RAIL SECURITY RESEARCH AND DE-VELOPMENT.—(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Under Secretary, in con-junction with the Secretary of Trans-formation, shall carry out a research and de-velopment program for the purpose of im-proving passenger and freight rail security that may include research and de-velopment projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) develop ways to detect tampering with railroad equipment, and

(5) support enhanced security for the trans-portation of hazardous materials by rail, in-cluding—

(A) technologies to detect a breach in a tank car and transmit information about the integrity of tank cars to the train crew,

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 411(g));

(C) techniques to transfer hazardous mate-rials from rail cars that are damaged or oth-erwise represent an unreasonable risk to human life or public safety;

(D) other projects recommended in the re-port required under section 402.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Under Secretary shall en-gage in research and development pro-gram under this section is coordinated with other research and development initiatives of the Department of Homeland Security and the Department of Transportation. The Under Secretary shall carry out any research and development project authorized under this section through an agree-ment with the Secretary of Transportation if the Secretary—

SEC. 11. FREIGHT AND PASSENGER RAIL SECURITY—OTHERS.

(a) SECURITY IMPROVEMENT GRANTS.—The Under Secretary may award grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, the State and local governments (for passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for rail or par-tial reimbursement and funding for the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other inter-city passenger rail and freight rail security threats, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail opera-tions;

(2) accommodation of cargo or passenger screening equipment at the international border between the United States and Mexico or the international border between the United States and Canada;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of information and informa-tion about security threats;

(9) to obtain train tracking and interoper-able communications systems that are co-ordinated with the requirements of the system.

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required under section 402(c), in-cluding infrastructure, facilities, and equip-ment upgrades.

(b) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants awarded under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Under Secretary.

(c) EQUITABLE ALLOCATION.—The Under Secretary shall equitably distribute the funds authorized by this section, taking into account geographic location, and shall ensure that the research and development program for the purpose of improving passenger and freight rail security, the Under Secretary shall also take into account passenger and freight rail security, the Under Secretary shall take into account passenger and freight rail security.

Under Secretary shall issue a final rule es-tablishing the procedures for the awarding of grants, including—

(1) the procedures contained in a system-wide security plan approved by the Under Secretary, in consultation with the Secre-tary of Transportation;

(2) capital projects meet the requirements under section 407(e)(2); and

(3) the plan includes appropriate measures to address security awareness, emergency re-sponses and evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Under Secretary shall ensure that, sub-ject to meeting the highest security needs on Amtrak’s entire system, stations and facili-ties located outside of the Northeast Cor-ridor receive an equitable share of the secu-rity funds authorized under this section.

(d) CONDITIONS.—The Secretary of Trans-formation may not disburse funds to Amtrak for projects under subsection (a) unless—

(1) the project is contained in a system-wide security plan approved by the Under Secretary, in consultation with the Secre-tary of Transportation;

(2) capital projects meet the requirements under section 407(e)(2); and

(3) the plan includes appropriate measures to address security awareness, emergency re-sponses and evacuation training.

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless the Under Secretary deter-mines, in consultation with the Secretary of Transportation, that the proposed capital projects and related pro-grams are consistent with the requirements of this sub-section, the term "security funds" as used in section 407(e)(2); and

(f) HIGH HAZARD MATERIALS DEFINED.—In this section, "high hazard mate-rials" mean poison inhalation hazard mate-rials, class 2.3 gases, class 6.1 materials, and anhydrous ammonia.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary $350,000,000 for fiscal year 2007 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 12. OVERSIGHT AND GRANT PROCE-DURES.

(a) SECRETARIAL OVERSIGHT.—The Sec-retary of Transportation shall make sure that not more than 0.5 percent of amounts made available to Amtrak for capital projects under this title—

(1) to enter into contracts for the review of proposed capital projects and related pro-gram management plans; and

(2) to oversee construction of such projects.

(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) to make contracts for safety, procurement, management, and financial compliance re-views and audits of a recipient of amounts under subsection (a).

(c) PROCEDURES FOR GRANT AWARD.—The Under Secretary shall prescribe procedures and schedules for the awarding of grants under this title, including application and quali-fication (including a require-ment that the applicant have a security plan), and a record of decision on applicant eligibility. The Secretary shall prescribe the execution of a grant agreement between the grant recipient and the Under Secretary. The Under Secretary shall issue a final record of decision not later than 90 days after the date of the enactment of this Act.
The Secretary of Homeland Security shall submit a report to the Committee on Commercial, Science, and Transportation and the Committee on Transportation and Infrastructure of the House of Representatives that contains recommendations for reducing the impact of an increase in the frequency or improvement of joint bars to include procedures filed with the Department of Transportation under section 213.119 of the Code of Federal Regulations.

SEC. 15. NORTHERN BORDER RAIL PASSENGER REPORT.
Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Commercial, Science, and Transportation and the Committee on Transportation and Infrastructure of the House of Representatives that contains recommendations for measures to eliminate or mitigate the risk of catastrophic failure.

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

The Senator from Hawaii.
Mr. INOUYE. Mr. President, I wish to associate myself with the remarks of Mr. STEVENS.

Mr. MCCAIN. I also ask unanimous consent to add Senator LIEBERMAN as a cosponsor of the PRESIDING OFFICER. The Senator from Maine.
Ms. COLLINS. Mr. President, I, too, commend the Senator from Arizona for bringing this measure to the Senate floor. As Senator STEVENS has pointed out, it is directly relevant to port security because many of the containers that come into our ports by ship are then deployed throughout the country by rail. So I would argue this is directly relevant to the goal of the legislation before us.

This is a Commerce Committee matter that Senator MCCAiN has brought
up, but I did just want to let my colleagues know that it is very relevant to our goal of securing our ports. I strongly support the amendment and commend the Senator for his initiative.

Mr. GRASSLEY. Mr. President, I rise in strong support of the amendment before the Senate that’s been offered as a complete substitute to H.R. 4954. This legislation could not be more timely. The anniversary of September 11 is imminent, a stark reminder that our Nation remains vigilant in the global war on terror.

This amendment, the Port Security Improvement Act of 2006, is critically important legislation. It strengthens port security operations, both in the United States and abroad so we can prevent threats from reaching our shores in the first place.

This legislation improves existing programs for targeting and inspecting cargo to ensure that a dangerous shipment doesn’t enter or threaten the Nation. It provides direction for further strengthening of these programs as technological advances permit. And, it calls for greater coordination and cooperation among Federal agencies in combating threats. In the event there is a security breach.

This legislation represents a thoughtful reevaluation of how best to meet the Nation’s security interests at United States seaports. We have tackled a look at that which has been done since 9/11. This legislation builds upon that. Terrorists have proven that they will change their ways to exploit perceived weaknesses in our defenses. We need to stay ahead of them. This legislation empowers our personnel in the Department of Homeland Security with its primary mission of preventing terrorist attacks against the United States and reducing vulnerabilities to such attacks. Many of the programs in this bill, including the Automated Targeting System, the Container Security Initiative, and the Customs-Trade Partnership Against Terrorism, serve the purpose of reducing vulnerabilities to terrorist attacks and are operated by the U.S. Customs and Border Protection within the Department of Homeland Security—squarely within the Homeland Security Committee’s jurisdiction. Moreover, it was the committee’s jurisdictional authority to study the effectiveness of government agency programs that began the evaluation of the DHS cargo security initiatives that are improved by this bill.

The Commerce and Finance Committees also have significant jurisdictional interests. The Commerce Committee has jurisdiction over shipping and the Coast Guard. And the Finance Committee has jurisdiction over the assessment of customs duties and compliance with customs laws.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding that there is no one else who wishes to speak on the bill or the McCain amendment at this time.

MORNING BUSINESS

Mr. STEVENS. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. ALLEN. Mr. President, I ask unanimous consent that I be allowed to speak for as much time as I may consume.

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

AMERICAN ENERGY INDEPENDENCE

Mr. ALLEN. Mr. President, I rise today to offer a new vision for American independence, a mission that is vital for Americans and for America’s homeland and national security.

We Americans have always been freedom seekers. We have been risk takers for liberty, daring to cross oceans and to move across our continent. And at the same time we are reaching skyward to charter our own course into the future. We are always trying to provide a beacon to light the way for others around the world. Now is the time for us to be bold and chart our own course once more.

In this time of expanding promise and unparalleled danger in the world, we are called to come together with a clear vision and a unity of purpose worthy of a great people and a great nation.

We declared our independence from colonial masters more than two centuries ago. We declared our independence from fascism, from imperial communism, and from every other form of totalitarian oppression and brutality in the 20th century. And America belatedly strode forward to become a more perfect union with justice and opportunity for all.

In each of these challenges to our self-determination and our freedom, we not only declared our independence, we also mustered the resolve and the resources to achieve it. It is time for America to declare its independence again.

Earlier this year, we declared a global war against vile, maniacal terrorists—a war against many foes—including Hezbollah, al-Qaeda, the Islamic Jihad, and others, but with its thirst for power in a new caliphate from Europe to Indonesia.

Today, we ourfind ourselves engaged in a global war against vile, maniacal terrorists—a war against many foes—including Hezbollah, al-Qaeda, the Islamic Jihad, and others, but with its primary theaters being the breeding ground of radicalism and terrorism in the Middle East.

My colleagues, in this war we have our differences over the means and methods, tactics and timetables. We do not have the same conviction about the primacy of every order or every engagement. We do not all see the same causes and effects, nor do we all give credit or cast blame in the same direction.

But there comes a time where we have to set aside such differences and act now as Republicans or Democrats determined to win an election but as Americans determined to win a war, and in so doing preserve our freedom, our values, and our way of life.

Rather than petty political posturing and partisan posturing, let all of us stand together—those of us who understand the reality of the mortal danger that our irreconcilable, fanatical
enemy and its hateful ideology represent. Let's stand apart from those who would still deny or diminish the magnitude of the danger that we face, even as we mourn our thousands dead and fill new plots to kill thousands more.

Let those of us who want to fight this war to win stand together, and let's stand against those who counsel appeasement at the point of a gun, negotiations as missiles rain down, and retreat in the face of adversity.

My view is that is the new dividing line. I am convinced that the majority in the Senate and in this Congress, and most importantly, all Americans, regardless of political persuasion, are capable of coming together behind a new declaration of independence to secure America's future.

Today, as we combat the powerful forces of terrorism and their state sponsors, we and our allies find ourselves continually dependent on and комплицированные источники of energy. We must recognize that the dependence on Middle Eastern oil makes us vulnerable to the whims of some dictator in a hostile part of the world.

Last month, the Senate passed a Gulf of Mexico Energy Security Act, a good action by the Senate, and a good first step toward reducing our national security dependence on foreign sources of energy.

This was common sense, bipartisan legislation that would permit deep-water exploration for oil and natural gas in the Gulf of Mexico. This bill will free up enough natural gas to heat the homes of 6 million American families for 15 years. And there is more oil and natural gas even further into the Gulf of Mexico.

We also need to allow Virginia and other Atlantic coast States to move toward deepwater oil and/or natural gas exploration far off their coasts. According to the Department of Interior, there are roughly 86 billion unexplored barrels of oil and 420 trillion unutilized cubic feet of natural gas—enough to provide 1.52 million barrels of oil a day. That is a lot of oil.

When it comes to natural gas, natural gas is a wonderful, clean-burning fuel. It is needed for heating our homes, and it is also vital for manufacturing, particularly in plastics, chemicals, and fertilizers. We need to make sure that price is reduced at home so that manufacturing jobs stay in America. A lot of the new electric powerplants in this country which have been permitted in recent decades have to use natural gas.

Using natural gas to generate electricity would be like using bottled water to wash your dishes. It will do the job, but why waste the water? We want to use a resource as good as that for generating electricity when there are alternatives for generating electricity such as coal?

In fact, the United States is the Saudi Arabia of the world in coal, with 500 billion tons of coal, which is the equivalent of 750,000 billion barrels of oil. We have 27 percent of the world's supply of coal. This is why we should be using clean coal technology for electricity generation.

I recently visited a clean coal facility in King George County, VA, where the smokestacks run so clean you can't even see the emissions from it. If you
didn’t hear the whirling, you would think it was closed.

We ought to be using innovative technology to gasify or use coal as a fuel.

Today, I am announcing my strong support for comprehensive legislation directed at advancing domestic coal-to-liquids technologies. Senator BUNNING is the lead sponsor of this Coal-to-Liquids Promotion Act of 2006, authorizing the Department of Energy to administer Clean Power Guarantees to the first three coal-to-liquids plants, and promulgating rules to allow BRAC sites and military bases to be considered as sites for commercial coal-to-liquids plants.

This bill also expands 20 percent tax credits for coal-to-liquids plants and provides a similar provision for expensing these investments, and it also extends the fuel tax credit for coal-to-liquids products from 2009 to the year 2020.

Our comprehensive plan for energy independence must also include using American advanced nuclear power for electricity generation. The Energy Policy Act that we passed last year was a significant step in rekindling the domestic nuclear industry in the United States, and we have not seen a new nuclear reactor built in the last 20 years. It provides meaningful incentives and protections and it strengthens security for nuclear facilities.

Going forward, as far as nuclear power is concerned, the big impediment for nuclear power is the disposal of spent fuel. This is why we need a comprehensive solution such as the Global Nuclear Energy Partnership that develops a viable long-term solution to the problem of nuclear spent fuel through chemical separation and reprocessing, which is much more efficient and much less dangerous than our current methods of using nuclear power and dealing with spent fuel.

We also need to increase our Nation’s refinery capacity. There hasn’t been a new oil refinery built in the United States in almost 30 years. In response, I have introduced a bill called The Bolster Our Energy Security for Tomorrow Act, which directs the President to designate three BRAC sites for possible refinery development, with at least one of these refineries producing biofuels, and to appoint a Federal refinery coordinator to negotiate with willing States to streamline the permitting process without changing existing environmental laws.

I have also joined with my colleague and friend from North Carolina, Senator HUTCHINS, in introducing the Affordable and Reliable Gas Act. This legislation will help increase refinery capacity and prevent those dramatic spikes in gas prices that we see in this country, usually in the spring, as they shift from a winter blend to a summer blend. We believe that “boutique” fuels that strain our refinery capacity, as well as pipeline capacity. Our measure would reduce the number of boutique fuels from 104 to 1 clean-burning diesel fuel and 4 clean-burning gasoline fuel blends by the end of 2008. That will help reduce gas prices.

We also need, as Americans, to conserve. We need to conserve. We need to look at ways of being less wasteful, of improving our energy efficiency, of making more efficient use of our energy, particularly in energy used by large computer servers. It is not widely known, but one large computer data center can use as much electricity in 1 day as it takes to power a city the size of Baltimore, MD, with its approximately 34,000 residents. That is so much energy that I want to make sure the Federal Government and companies that use such mega computer servers and data centers are doing so wisely and efficiently.

I have introduced legislation that directs the Environmental Protection Agency, through its Energy Star Program, to study the rapid growth in energy consumption of computer data centers by both the Federal Government and the private sector. We need to analyze how effectively the computer industry is migrating to more energy efficient microchips and servers, reduce the costs associated with building and operating large-scale data centers, and make it easier and more attractive for positive incentives to advance adoption of energy-efficient data centers.

The third essential element of our comprehensive plan for achieving independence from Middle Eastern and hostile sources of oil is the accelerated research, development, and deployment of every economically viable alternative source of energy. We need to adopt a flexible, diverse portfolio of energy options. Diversity of supply is security of supply. We ought to be using alternative fuels, such as biofuels, including soy diesel and ethanol, cellulose fuels, and innovative ideas, whether it’s hybrids, hydrogen, solar power, or nanotech-enabled lithium-ion batteries.

We must take further action to create an economic climate that encourages investment in new energy and alternative fuels. That is why I am reviewing, and I urge my colleagues to consider, legislation that allows 100 percent first-year expensing for all plant and equipment investments to help spur development of domestic and alternative sources of energy.

Expensing is a high-performance tax reform. It is an important tool from an energy-specific perspective. According to economists such as Gary Robbins with Fiscal Associates, 100 percent expensing would reduce the capital costs in key segments of the energy industry by up to approximately 10 percent. It should also improve access to environmentally friendly “green” technologies, where first-year expensing for the green technologies can often tip the balance between feasible and unfeasible.

In fact, many financial and industry experts believe that expensing is the cheapest, most effective and most growth-oriented tax change that the Congress can actually make. It has been estimated that replacing the old-fashioned tax depreciation with immediate first-year expensing would add more than $200 billion to our GDP and upwards of 750,000 new jobs.

We must have a comprehensive energy policy in which we act for energy independence is one that is often overlooked in the usual discussions of national energy policy. We need a bold new national commitment to innovation and entrepreneurship, investing in the next generation of leading-edge scientists, researchers, and engineers.

We should all want America to be the world capital of innovation. To achieve that mission we need scientists, we need engineers, we need technologists. They will be the ones who will be designing and developing the new inventions, the new innovations, and the new intellectual property of the future.

However, America’s education system is not graduating sufficient talent in science, technology, and engineering.

Last year, the United States matriculated approximately 70,000 engineers compared to 300,000 engineers in India and 500,000 in China. Additionally, we must do a much better job in motivating, inspiring, and incenting our young people to study science, engineering, technology, and medicine at a much earlier age. That is why I have worked, as many have in this Congress, with Senators Lieberman, ENSIGN, Alexander, Domenici, Bingaman, and others on the National Innovation Act, which implements the recommendations of the National Innovation Initiative Report and provides tangible action items, including scholarships, to increase America’s science and technology talent.

I am also a strong supporter of the Protecting America’s Competitive Edge Through Energy Research Act, which would boost science and math education programs in the United States by providing early career research grants that support young, promising scientists and engineers at the beginning of their careers.

I have led with a good partner, Senator Ron Wyden, on the other side of the aisle, on our Nanotech Initiative. Nanotechnology is the next transformative economic development for our country and the world. Nanotechnology is a very diverse field. It is going to have a positive impact on life and health sciences. It will have a major impact on microelectronics and materials engineering. Nanotechnology will allow us to build wider and stronger materials that we will need less energy for propulsion. There is a company called NanoChemicals, in southwest Virginia, that is teaming up with coal companies to get the impurities out of coal, to make it into a fuel, as is Sasol in South Africa. Nanotechnology will be helpful in environmental cleanups.

All together, the Nanotechnology Initiative, the National Innovation
Act, and the PACE Energy Act will go a long way toward meeting America’s rising demand for highly skilled men and women in all fields of innovation, and it will strengthen America’s security through energy independence.

Fifth, and finally, I conclude where we must come together for such a national purpose, I say you underestimate the character and the resolve of the American people and the power of the American idea.

Look at what we have done in the past when confronted with great challenges to our freedom and our way of life. Half a century ago, the Soviet Union launched the space satellite Sputnik. Our scientific edge in missile technology and the space race was in serious doubt. Most disturbingly, national security was at great risk of falling behind. But America’s ingenuity was dramatically and urgently mobilized by President Eisenhower, who passed the National Defense Education Act, providing massive investments in science, technology, and engineering.

We need that same kind of commitment and leadership to keep America the world capital of innovation now and in the future.

September 11 awakened our Nation to a monumental new challenge: fighting and winning this global war against hate-filled terrorists. This war on terror, similar to all wars, will require clarity of vision and unity of purpose. America’s long-term national security depends on securing our independence from the Middle East and other hostile sources of oil. We have the resources to do it, the resources underneath our land and water, and the best resource of all, the ingenuity of our free, creative minds. In short, we just need the willpower to use it.

Mr. President, 230 years ago our forebears pledged their lives, their fortune, and their sacred honor to the cause of independence. We are more fortunate. We need only do what we have already sworn to do—set aside our differences and act in the public interest. This Congress must adopt a clear “Declaration of Independence” from the Middle East and other hostile sources of oil, and it must act urgently, decisively, and with a unity that rises above partisan differences to make that Declaration of Independence a reality.

Let us begin right now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that I be allowed to speak for about 20 or 25 minutes.

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

INTELLIGENCE COMMITTEE PHASE II REPORT

Mr. ROCKEFELLER. Mr. President, today the Senate Select Committee on Intelligence has released to the public two of the five sections of our long-promised report on how intelligence was used by policymakers in the lead-up to the war in Iraq. This phase II report builds on the committee’s July 2003 phase I report on the intelligence community’s very substantial mistakes regarding weapons of mass destruction in Iraq. Fundamentally, these reports are about accountability. They are about identifying the mistakes that led us to war and making sure those mistakes never happen again, so far as we can do so.

Let me share some important excerpts from the report which reflect both my own views and the views of all of my Democratic colleagues on the committee.

The committee’s investigation into prewar intelligence on Iraq has revealed that the Bush administration’s case for war in Iraq was fundamentally misleading.

Prior to the war, administration officials repeatedly characterized Iraq’s weapons of mass destruction programs in more conclusive and threatening terms than were substantiated by the underlying intelligence assessments. Analytical assessments of the intelligence community that were not in line with the more strident administration view on alleged Iraqi links to al-Qaida and the 9/11 plot were ignored and were denigrated by senior policymakers. The administration, in its zeal to promote public opinion in the United States before toppling Saddam Hussein, pursued a deceptive strategy prior to the war of using intelligence reporting that the intelligence community warned was uncorroborated, unreliable, and, in critical instances, fabricated.

The committee has uncovered information in its investigation which shows that the administration ignored or minimized the veracity of the intelligence trumpeted publicly to support its case that Iraq was an imminent threat to the security of the United States.

Some of the false information used to support the invasion of Iraq was provided by the Iraqi National Congress, the INC, an organization which our intelligence agencies had cautioned repeatedly was penetrated by hostile intelligence services and would use its relationship with the United States to compromise our ability to overthrow Saddam Hussein. The committee’s investigation concluded that the INC attempted to influence U.S. policy on Iraq by providing false information through Iraqi defectors directed at convincing the United States that Iraq possessed weapons of mass destruction and had links to terrorists.

The committee also found the July 2004 decision by the National Security Council directing that the renewed funding of the INC contract—the Iraqi National Congress, the Chalabi operation—be put under Pentagon management was ill advised given the counterintelligence concerns of the CIA and intelligence community, and the intermediate management from the State Department.

Repeated prewar statements by administration officials sought to connect Iraq and al-Qaida in ways the underlyng intelligence simply did not support.

The administration’s—this is key—the administration’s repeated allegations of the past, present, and future relationship between al-Qaida and Iraq exploited the deep sense of insecurity among Americans. Most disturbingly, the administration succeeded in creating the impression that al-Qaida and Iraq worked in concert and presented a single unified threat to the United States of America. The committee’s investigation revealed something completely different.

The committee found that there was no credible information that Iraq was complicit or had foreknowledge of the September 11 attacks or any other al-Qaida strike anywhere. The committee also found that Iraq did not provide chemical or biological weapons training or any material or operational support to al-Qaida prior to the war.

Furthermore, no evidence was found of any meeting between al-Qaida and the Iraqi regime before the war, other than a single meeting that took place years earlier in 1995, in fact, in the Sudan. That meeting was at a fairly low level, and that meeting did not lead to any operational cooperation at all. Osama was there, but the Iraqi representative was at a low level.

Key pieces of evidence used by the administration asserting links between Iraq and al-Qaida were a report of a meeting in Prague between 9/11 hijacker Mohamed Atta and an Iraqi intelligence officer and a claim that Iraq provided chemical and biological weapons training to al-Qaida in the late 1990s. The committee report demonstrates that the prewar statements of the Vice President of the United States that the Prague meeting had been “pretty well confirmed” and that the 9/11 hijacker Mohamed Atta—again the Vice President’s words—“in fact” met with Iraqi intelligence services in 2000 were not substantiated by the intelligence community. The statements were made by the Vice President. Likewise, the statement by National Security Adviser Rice that
Mr. LEVIN. Mr. President, let me begin by thanking the Senator from West Virginia for the leadership he has shown on this matter and so many others—on every matter he has touched on, in fact, on intelligence and in his other work in this body.

Today the Senate Intelligence Committee is releasing two of five parts of phase II of the committee’s inquiry into prewar intelligence. One of the two reports released today looks at what we learned after the attack on Iraq about the accuracy of prewar intelligence regarding links between Saddam Hussein and al-Qaida. Today’s report is devoted to a detailed study of the Bush administration’s unremitting, misleading, and deceptive attempts to convince the American people that Saddam Hussein was linked with al-Qaida, the perpetrators of the 9/11 attack.

The President said Wednesday, just this week, that:

“One of the hardest parts of my job is to connect Iraq to the war on terror.”

Well, that shouldn’t surprise anybody. The decision to ignore intelligence community assessments prior to the Iraq war and to make repeated public statements that gave the misleading impression that Saddam Hussein’s regime was connected to al-Qaeda cost him any credibility he may have had on this issue.

President Bush said Saddam and al-Qaida were allies—his words. And that:

“You can’t distinguish between al-Qaida and Saddam when you talk about the war on terror.”

The President has consistently made his effort to build public support for his Iraq policy.

The bipartisan committee report finds that the prewar intelligence assessments were right when the intelligence community and al-Qaida were independent actors who were far from being natural partners. The committee report finds that prewar intelligence assessments were right when they expressed concerns that a meeting occurred between 9/11 hijacker Mohamed Atta and a senior Iraqi intelligence official in Prague prior to September 11. Our report finds that prewar intelligence assessments were right when they expressed concerns that a Saddam Hussein was linked with al-Qaida.

The accurate prewar intelligence assessments didn’t stop the administration from making many false and misleading statements trying to link Saddam Hussein with al-Qaida. In his September 5 press announcement, United Nations, Secretary Powell said:

“Iraq today harbors a deadly terrorist network headed by Abu Musab al-Zarqawi, an associate and collaborator of Osama bin Laden, and his al-Qaida lieutenant.”

After the war, in June of 2004, the President said that al-Zarqawi, the terrorist leader recently killed in Iraq, was the best evidence of a connection between Iraq and al-Qaida. And to this day—these statements have not stopped.

Just 2 weeks ago, the President said in a press conference that Saddam Hussein “had relations with Zarqawi.” Our Intelligence Committee report demonstrates that statement made 2 weeks ago by the President was false. The committee report discloses, for the first time, the CIA’s October 2005 assessment that Saddam’s regime:

Did not have a relationship, harbor, or turn a blind eye towards Zarqawi and his associates.

The President’s statement made just 2 weeks ago is flatout false.

The drumbeat of misleading administration statements alleging Saddam’s links to al-Qaida was unremitting in the lead-up to the Iraq war which began in March of 2003.

On September 25, 2002, the President said:

“Al-Qaida hides. Saddam doesn’t, but the danger is that they work in concert. The danger is that al-Qaida becomes an extension of Saddam’s madness and his hatred and his capacity to extend weapons of mass destruction around the world.”

And then he said:

“You can’t distinguish between al-Qaida and Saddam when you talk about the war on terror.”

The next day, in September of 2002, Secretary Rumsfeld said:

“We have what we consider to be credible evidence that al-Qaida’s leaders have sought to find, in Iraq whom we would help them acquire weapons of mass destruction capabilities.”
On October 14, 2002, the President said:

This is a man—Saddam is a man that we know has had connections with al-Qaida. This is a man who, in my judgment, would like to use al-Qaida as a forward army.

On July 30, 2003, Vice President Cheney said:

Saddam’s regime aids and protects terrorists, including members of al-Qaida. He could decide secretly to provide weapons of mass destruction to terrorists for use against us. And as the President said on Tuesday it would just take one vital, one canister, one crate to bring a day of horror to our Nation unlike any other known. It is not known.

On February 6, 2003, Deputy Secretary of Defense Wolfowitz said:

And, worst of all, his connections with terrorists which go back decades and which started some 10 years ago with al-Qaida are growing every day.

What the administration and the President and other administration officials did not say was what the intelligence community was saying about this crucial issue because it would have undermined their march to war and it would have refuted their main argument for attacking Iraq: that Iraq was linked to the terrorists who attacked us on 9/11.

What was the CIA saying? What was the intelligence community saying before the war? In June of 2002, the CIA said that:

- Our assessment of al-Qaida’s activities to Iraq rests on a body of fragmented, conflicting reports from sources of varying reliability.
- We discovered, and it has since been public, the allegation that one of the lead hijackers, Mohammed Atta, had, in fact, met with Iraqi intelligence in Prague.
- But the Intelligence Community report released today cites a June 2002 CIA paper that said: Reporting is contradictory on hijacker Mohammed Atta—did he go to Prague and did he meet with a senior official with the Iraqi intelligence service in Czechoslovakia last April, several months before the attack.

On March 24, 2002, the Vice President told “Meet the Press”:

- We had one report, this was the famous report on the Czech service, and we’ve never been able to confirm it or knock it down. We just don’t know.

The Vice President may not have “known,” but the intelligence community should have been able to believe, and did not believe for a long time before the Vice President’s statement, that the meeting took place.

The intelligence assessments contained in the Intelligence Community’s unclassified report are an indictment of the administration’s unrelenting and misleading attempts to link Saddam Hussein to 9/11. But portions of the report which the intelligence community leaders have determined to keep from public view provide some of the most damaging evidence of this administration’s falsehoods and distortions.

Among what remains classified, and therefore covered up, includes deeply disturbing information. Much of the information redacted from the public report does not jeopardize any intelligence source or method but serves effectively to cover up certain highly offensive activities. Even the partially released picture is plenty bleak, about the administration’s use of falsehoods and distortions to build public support for the war. But the public is entitled to the full picture. Unless this report is further declassified, they won’t get it.

While the battle is waged to declassify this coverage-up, the Vice President said in January 2003 that Saddam Hussein has “viewed Islamic extremists operating inside Iraq as a threat.”

The CIA assessed in January 2003 that Saddam viewed al-Qaida with “deep suspicion” and stated that:

- The relationship between Saddam and bin Laden appears to more closely resemble that of two independent actors trying to exploit each other.

That 2003 classified report was issued 1 day before the Vice President stated to the American public that Saddam’s regime aids and protects terrorists, including members of al-Qaida.

The misleading statements by administration officials didn’t stop there. The Intelligence Committee report recounts the story of the alleged meeting between Mohammed Atta and the Iraqi intelligence officer in Prague. In the fall of 2001, the Czech intelligence service provided the CIA with reporting based on a single source who stated that Atta met with an Iraqi intelligence officer in Prague in April of 2001.

On December 9, 2001, Vice President Cheney was asking about the report on “Meet the Press.” The Vice President said:

- It has been pretty well confirmed that he—The 9/11 hijacker Mohammed Atta—did go to Prague and he did meet with a senior official with the Iraqi intelligence service in Czechoslovakia last April, several months before the attack.

On January 14, 2004, the Vice President was asked whether Iraq was involved in 9/11. The Vice President said, “We don’t know. . . . We had one report, this was the famous report on the Czech service, and we’ve never been able to confirm it or knock it down. We just don’t know.”

The Vice President may not have “known,” but the intelligence community should have been able to believe, and did not believe for a long time before the Vice President’s statement, that the meeting took place.
Qaida with training in poisons and gases. For instance, in a speech on October 2, 2002, the President said, "We've learned that Iraq has trained al-Qaida members in bomb making and poisons and deadly gases."

In February 2003, the President said, "Iraq has also provided al-Qaida with chemical and biological weapons training."

In March of 2003, National Security Advisor Condoleezza Rice said there was a "strong link to training al-Qaida in chemical and biological weapons techniques, we know from a detainee that—the head of training for al-Qaida, that they sought help in developing chemical and biological weapons because they weren't doing very well on their own. They sought it in Iraq. They received the help."

Those statements were based on representations of Ibn al Shaykh al-Libi, a detained senior al-Qaida operative. But what the administration hid was the fact that the Defense Intelligence Agency did not believe al-Libi's statement. In February 2002, a year before the President claimed that Iraq "provided al-Qaida with chemical and biological weapons training," the DIA assessed that al-Libi "is more likely intentionally misleading the debriefers."

Nor did the administration disclose a second DIA assessment in February of 2002 that said, "Iraq is unlikely to have provided bin Laden any useful CB knowledge or assistance," or DIA's April 2000 assessment that there was no credible reporting on al-Qaida training "anywhere" in Iraq.

The administration's statements also flew in the face of the CIA's January 2003 assessment that al-Libi was not in a position to know whether training had taken place.

So here is what we have. The President still says that Saddam had a relationship with Zarqawi. The Senate Intelligence Committee found that the intelligence community, in 2005, concluded that "the regime did not have a relationship with, harbor, or turn a blind eye towards Zarqawi."

The President said that Saddam and al Qaida were "allies." The intelligence community found that intelligence shows that Saddam Hussein "viewed Islamic extremists as a threat to his regime," and, indeed, as postwar intelligence documents released, Saddam "rejected all requests from al-Qaida to provide material or operational support."

The Vice President called the claim that lead hijacker Mohammed Atta met with the Iraqi intelligence officer "credible" and "pretty much confirmed," but the Intelligence Committee report finds that the intelligence shows "no such meeting occurred."

The President said that Iraq provided training to poisons and gases to al-Qaida but the Intelligence Committee finds that postwar intelligence sources present assessments that there was no credible reporting on al-Qaida training "anywhere" in Iraq and that the terrorist who made the claim of training was "likely intentionally misleading his debriefers" when he said that Iraq had provided poisons and gases training.

But the administration's efforts to create the false impression that Iraq and al-Qaida were linked didn't stop with just statements. One of the most significant disclosures of the Intelligence Committee report is the account of the administration's successful efforts to obtain the support of CIA Director George Tenet to help them make that false case. The events were of major significance. They go to the heart of the administration's case for war on the eve of a congressional vote on whether to authorize that war. Here is what happened.

On October 7, 2002, in a speech in Cincinnati, the President represented that linkage existed between Saddam and terrorism, saying that "Iraq could decide on any given day to provide a biological or chemical weapon to a terrorist group or an individual terrorist."

But on that very day, October 7, 2002, in a letter to Intelligence Committee Chairman Bob Graham, the CIA declassified at the request of the committee the CIA assessment that it would be an "extreme step" for Saddam Hussein to assist Islamic terrorists in conducting a weapons-of-mass-destruction attack against the United States and that the likelihood of Saddam Hussein using weapons of mass destruction if he did not feel threatened by an attack was "low."

When made public, the CIA assessment would have undercut the President's case. Something had to be done. So on October 8, 2002, the Director of Central Intelligence, George Tenet, issued a statement that "there is no inconsistency between our view of Saddam's growing threat and the view expressed by the President in his speech."

The Tenet statement was aimed at damage control and it undercut the CIA's own crucial assessment at a critical moment. The New York Times quoted Tenet prominently in a major story on October 9. We called Tenet before the Intelligence Committee a month and a half ago, on July 26, 2006. In his testimony, quoted in the Intelligence Committee's report, Mr. Tenet admitted that perhaps there was an inconsistency between the President's statement and the CIA's assessment. Mr. Tenet said he issued his statement denying the inconsistency after policymakers wanted him to say something about not being inconsistent with what the President had said. Tenet complied.

Today, acknowledged to the committee, in his July 26, 2006, testimony, that issuing the statement was "the wrong thing to do."

It was much more than that. It was a shocking abdication of a CIA Director's duty not to act as a shill for any administration or its policies. Director Tenet issued that statement at the behest of the administration on the eve of the Congress's debate on the resolution authorizing the use of force in Iraq. The use of the Director of Central Intelligence by the administration to contradict his own agency's assessment in order to support a policy goal of the administration is reprehensible, and it seriously damaged the credibility of the CIA.

Mr. President, I thank the Chair for its indulgence and I yield the floor.

THE PRESIDENT. The Democratic leader is recognized.

Mr. REID. Thank you very much, Mr. President. I apologize for keeping you and the staff longer than you should have been, but I was unable to be here until just now. So thank you all very much for waiting for me.

SENATE INTELLIGENCE COMMITTEE REPORT

Mr. REID. Mr. President, at noon today, the Senate Intelligence Committee released a report that proved evidence of two things: first, the Bush administration's case for war in Iraq was fundamentally misleading and deceptive and not supported by the underlyin intelligence; second, the Republican-controlled Senate Intelligence Committee continues to put the political interests of the Bush White House ahead of the security of the American people.

According to today's report, the Bush administration desperately sought to prove a link between Saddam Hussein and Osama bin Laden in order to shore up public assertions being made by the President, the Vice President, the Secretary of Defense, and other senior administration officials. But from this report which we made public today, at noon, we know these assertions directly contradicted the best assessments of our intelligence experts. In

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short, the facts were not there to show any connection between Osama bin Laden and Saddam Hussein.

It is clear: The administration knew or should have known it was misleading America in its effort to make the case for war in Iraq.

Just as significant, today’s report shows America what you get with a Republican-led Congress. What do you get? You get the White House refusing to declassify information. And you find that the White House refuses to declassify information that would embarrass them 2 months before a midterm election. And you get a Republican-led committee that is perfectly willing to bow down to the White House and keep the American people in the dark about its mistakes and its distortions.

Nearly 4 years since the war started in Iraq, 2 1⁄2 years after the Republican people in the dark about its mis-
mis-information that would embarrass them 2 months before a midterm election. And you get a Republican-led committee that is perfectly willing to bow down to the White House and keep the American people in the dark about its mistakes and its distortions.

These are critically, crucially important questions for our troops and our security, for the use of force and placing our citizens in harm’s way is the most significant vote a Member of Congress can make, and it is essential we understand how this administration skewed that decision in the runup to the war in Iraq so we can take the steps necessary to ensure these abuses are never repeated. That is why you have to complete the work of the Intelligence Committee.

With 140,000 American troops serving bravely in a civil war in Iraq, bin Laden still at large, and a growing threat posed by North Korea and Iran, it is long past time this rubberstamping Republican Congress stood up to the Bush administration and did its job, did its job of being a separate and equal branch of Government.

The problem during the 6 years of President Bush’s administration is that the Constitution has not been what it should be, not the checks and balances, not three separate, equal branches of Government. It is no mystery why there have been no vetoes—because the President has gotten everything he has wanted, with the exception of stem cell. Other than that, the Republican Congress has given him everything he has wanted.

We have had no congressional oversight. We have had committees not doing their work, as indicated by the Intelligence Committee today.

I do extend my congratulations to the entire committee. They do very valuable work for this country in dealing with the most sensitive issues America has to deal with; that is, intelligence operations of this country. I am glad we have gotten 40 percent of the work that has been so long overdue. I look forward, in the weeks ahead, to getting the remaining 60 percent. I do all this happen before the elections, but it should.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk pro-
ceded to call the roll.

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

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

HONORING OUR ARMED FORCES

SPECIALIST STEPHEN F. DOWNING II

Mr. McCONNELL. Mr. President, I rise today to honor the life of a father, brother, cousin, and brother from the Commonwealth of Kentucky who was lost in the line of duty as a member of America’s Armed Forces. I ask the Senate to pause today in memory of Specialist Stephen F. Downing II of Burkesville, KY. He was 30 years old.

On October 28, 2004, Specialist Downing and his squad were on patrol securing one of the busiest intersections in Ramadi, Iraq. As a key route for vital U.S. convoys, this crossroads had become a focal point of terrorist attacks. The threat to vulnerable U.S. vehicles meant soldiers like Stephen Downing were needed to stand guard against would-be bombers.

As his squad waited to be relieved at noon, Stephen, whose duty was simply to drive the armored humvee, volunteered to give his gunner a break from the intense heat. He climbed out of the relative safety of the driver’s seat to man the .50 caliber machinegun mounted on top of the roof. Then, just a few minutes before he was to be replaced, he was fatally wounded by a lone sniper’s bullet.

For his actions as a soldier, Specialist Downing earned numerous medals and awards, including the Bronze Star Medal and the Purple Heart.

Stephen Downing was a man of adventure. His appetite for adventure could not be satisfied. His sister recalls that her brother loved to go diving, swimming, skiing—if it was to be done outside, Stephen was eager to pursue the challenge.

When he was not taking things apart, he was putting them back together. Stephen loved modifying his BMX bikes, even if his modifications did not always turn out to be an improvement.

According to his stepfather, Jim Maynard, Stephen seemed blessed with a constant smile on his face.

And nothing could make Stephen smile more than pulling a prank on his sister. As the older sibling by almost 2 years, Danica was a constant presence for him if older bullies tried to pick on him. But this didn’t stop Stephen from having a good-natured laugh at her expense.

One morning, Stephen rushed out to catch the schoolbus and told the driver to go ahead because his sister was not going to school that day. About 3 miles down the road, the bus driver and everyone else on the bus learned the truth when Stephen’s mother flagged them down and Danica jumped on.

Another time, Danica was babysitting for a neighbor, and she and a girlfriend decided to take the baby for an evening stroll. Along their path they passed an abandoned old farm house, an infamously spooky local attraction.

As you might have guessed, Mr. President, what better way to scare your sister than to hide in the weeds by a house such as this, jump out yelling. As Danica recounts, “Stephen scared [us] half to death . . . we both were so scared, we just took off screaming. It took us a minute to realize neither of us had brought the stroller.”

Stephen enlisted in the Army in 1992. He joined the National Guard in 1994, and left the service in 2000. In 2002, however, Stephen felt compelled to re-enlist in the Army. He was sent to Korea, where he was stationed with the 2nd Infantry Division.

After a year-long stint, his unit was ordered to prepare for deployment to Iraq. Given the choice between staying with the unit or being transferred to Fort Carson, CO, Stephen elected to go to war with the men he had come to know and depend on.

Shortly before Stephen deployed to Iraq with the 2nd ID., he returned home for 2 weeks to be with his family. During that time, his mother, Stella Strange, and his sister, Danica, spent a good deal of time with Stephen’s family and friends, and fellow soldiers.

Stephen loved his family. As an older brother by almost 2 years, Danica was a constant presence for him if older bullies tried to pick on him. But this didn’t stop Stephen from having a good-natured laugh at her expense.

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Shortly before Stephen deployed to Iraq with the 2nd ID., he returned home for 2 weeks to be with his family. During that time, his mother, Stella Strange, fixed all of Stephen’s favorite foods, including her famous cherry delight cake. Each family member let Stephen know how proud they were of...
him, while also quietly airing their greatest fears.

Stephen told his daughter, who pleaded with him not to go, that he was needed in Iraq. Putting her on his knee, Stephen told her that he was going to Iraq to help the children there—to keep them safe, so that they could have a chance at a better life.

Danica also pulled her brother aside and told him to be careful. "I told him to keep his head down," she says. "Not the one who is going to be a hero, not to do more than what he had to do to get by." Stephen understood his sister's motivations, but as his actions would demonstrate, and as his fellow soldiers would later recall, Stephen did anything but the bare minimum.

SP Phillip Pilcher, who was on patrol with Stephen that fateful day, recalls "Stephen was one of the hardest working guys over there; he would work two to three hours later than everyone else just to make sure that everything was where it needed to be."

Specialist Gonzales, who credits Stephen with being instrumental in making him a better soldier, strikes a similar chord. "Stephen was the heart and soul of our squad and our regiment," he says. "Even though he didn't have the stripes on his arm, he was still a great leader.

Many of the friends Stephen made over his 30 years came to say goodbye when he was laid to rest. BG Dan Bolger, who helped command the Second Infantry Division in Korea and asked to be the survivor-assistance officer for Stephen's family, was astounded by what he saw that day: For a 22-mile stretch along the path of the funeral procession, people, some holding signs, others flags, stood in silent tribute to their fallen hero.

A month before his death, Stephen wrote a letter to his mother, to be sent in the event he did not return. He wrote, "Different people will remember me for different reasons, but I hope that everyone will remember that I was here for them."

The devotion to honor and sacrifice expressed in those words tells us how Specialist Downing was able to touch so many people, and why so many people paid their final respects to his memory. As his mother recalls, "Stephen didn't have friends—he had family."

I thank Stephen's mother, Stella Maynard, and his niece, Chelsea Downing, who welcomed to our Nation's capital to—meet with me today, for sharing Stephen's story. His children, Taylor and Stephen, his sister, Danica, his step-father, Jim Maynard, and other beloved family members are in our thoughts and prayers.

We can never repay Specialist Downing's family for their loss. But we can, and we must, honor the sacrifice of their beloved father, son, uncle and brother, and recognize that without his courage and the courage of the men and women of our Armed Forces, America could not lead the world in the defense of freedom.

Mr. President, Stephen's mother, Stella, put it just right, and we are all blessed to have had SP Stephen Downing in our family.

MISSILE DEFENSE

Mr. ALLARD. Mr. President, I rise today to talk about the recent successes of the Missile Defense Agency. Last Friday, a week ago from today, the Defense Agency conducted a test of the ground-based midcourse system and scored an intercept. This exercise was designed to evaluate the performance of several elements of the ballistic missile defense system, and it appears that all elements worked remarkably well. Although it was not a primary objective for the data collection flight test, an intercept of the target warhead was achieved.

The test marked the first time an operational interceptor was launched from Vandenberg Air Force Base while the target flew from Alaska. It was conducted by crews who were manning operational fire control systems in Colorado Springs. It also marked the first use of the early warning radar at Beale Air Force Base in California.

I congratulate the head of the Missile Defense Agency, General Obering, and especially all the dedicated men and women of the MDA who helped make this test a success.

General Obering stated that the test is about as close as we can come to an end-to-end test of our long-range missile defense system. This success only builds upon all element intercepts and, more importantly, it is the fourth intercept in the last 90 days that used hit-to-kill technology.

In June, we launched a sea-based AEGIS interceptor that was successful in intercepting a separating warhead. In July, we launched a land-based terminal-phase interceptor, Terminal High Altitude Air Defense—or the THAAD—intercepting the target. Very recently, we had a successful Patriot-3 intercept that was conducted by the U.S. Army in collaboration with the Missile Defense Agency.

There have been many naysayers and doubters on missile defense, but I am proud to have supported the Missile Defense Agency over the past several years as it has grappled in an intensive effort to track down and eliminate or mitigate threats that have contributed to setbacks in the past. There is an emphasis on quality that is paying off, as witnessed by our most recent tests. We learn from our mistakes, and we now see the fruit of the combined efforts of the dedicated military, civilian, and contractor personnel.

Testing will continue. We will encounter difficulties, but the program will move forward. We are succeeding in building an integrated and layered ballistic missile defense system. Our defenses will continue to improve, and our citizens will be increasingly protected and grateful.

While I am pleased that we have a limited missile defense capability, I believe our missile defense system needs to be challenged even further. We need more testing so that we can better understand the task at hand and discover the errors that must be corrected. I am confident that the Missile Defense Agency is on the right path. I look forward to supporting the Agency testing plan in the future. I do not expect perfection. In fact, I expect some failures. But in the context of several missile defense intercept tests per year, one or two failures only means that we are pushing to find out the real capabilities of the system.

We all know hit-to-kill technology works. We now need to further develop the midcourse system and introduce greater capability to that system. I look forward to assisting the Missile Defense Agency in its future programs so our Nation can rest assured that we are protected from rogue nations that wish to do us harm.

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to me dated September 8, 2006.

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


Hon. TED STEVENS, President Pro Tempore, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: On behalf of the Select Committee on Intelligence, we submit the following unclassified reports, together with additional and minority views, for filing with the Senate: (1) Postwar Findings about Iraq's WMD Programs and Links to Terrorism, and How they Compare with Pre-war Assessments and (2) The Use by the Intelligence Community of Information Provided by the Iraqi National Congress. Both reports have been approved by the Committee in both classified and unclassified form. The classified reports are available to Members for reading at the Committee. The classified reports will also be provided to appropriately cleared officials of the Executive branch.

The unclassified versions of the reports, which are hereby transmitted for printing, were intended to provide the public, and through it, the American public, a substantia factual record upon which to consider the issues covered by the reports.

Sincerely,

PAT ROBERTS, Chairman.

JOHN D. ROCKEFELLER IV, Vice Chairman.

DEFENSE APPROPRIATIONS

Mr. BAYH. Mr. President, I rise to speak on behalf of my amendment to
September 8, 2006

CONGRESSIONAL RECORD—SENATE

S9249

the fiscal year 2007 Defense appropriations bill, S.A. 4911 to H.R. 5631, with Senator REED to restore full funding for Predator unmanned aerial vehicles, UAVs, for the U.S. Special Operations Command, SOCOM. This amendment will allow the Secretary to receive full completion of Predators for the year 2010 by adding $64.4 million to the fiscal year 2007 Defense appropriations bill.

Our brave troops and intelligence collectors must have the tools they need to find, fix and eliminate terrorists intent on harming our Nation. The Predator, which comes in armed and unarmed modes and has advanced sensors and cameras, is one of the most important systems we have to monitor and eliminate our enemies. The Predator also is a critical intelligence gathering platform in fighting insurgents in Iraq and the Taliban in Afghanistan. According to Defense News, the Predator was central to the detection and killing of Abu Musab al-Zarqawi in Iraq this past June.

I have been pleased to fight for putting more Predators in the hands of our Special Operations Command ever since U.S. Special Operations Command Deputy Commander Eric Olson responded to my question about whether he had all the tools he needs to win the war on terror in an April 6, 2006, hearing of the Senate Armed Services Committee’s Emerging Threats and Capabilities Subcommittee. Admiral Olson said his command did not have enough Predators, and was not slated to have adequate numbers of Predators for several years. This is unacceptable, and I expressed my concern to Chairman WARNER and Ranking Member LEVIN in an April 27, 2006, letter urging committee action on this shortcoming.

Unfortunately, defense appropriators cut back funding for Predators in its mark-up of the fiscal year 2007 Defense authorization bill. My amendment restores full funding for a second squad of Predators for our Special Operations Forces’ war-fighters and intelligence collectors by 2010. Giving our military and our intelligence personnel the best tools, as quickly as possible, to win the war on terror is something we must do.

COMBATTING GUN TRAFFICKING

Mr. LEVIN. Mr. President, I have long supported law enforcement’s efforts to combat gun trafficking. Earlier this summer, 11 people were charged with purchasing firearms in gun shops in Virginia and illegally dumping them on the streets of New York City between 2004 and 2005. These arrests bring attention to the need to vigorously enforce our gun laws in order to stem the flow of guns to the black market.

These individuals have been charged with making straw purchases of hand- guns at various gun shops in Norfolk and Portsmouth, VA, and transporting them to New York City, where they were allegedly sold on the streets at a significant markup. Straw purchases are a serious violation of Federal law in which one individual submits to the required Federal background check for a gun that is clearly intended for use by someone else. Such purchasers play a crucial role in the illegal trafficking of firearms along with the intention of reselling them to prohibited buyers. The alleged conspiracy, which took place from September 2004 through June 2005, was first uncovered in 2004 when New York City police officers began making undercover purchases of firearms from this organization on the streets. The guns were traced back to gun shops in Virginia where the original straw purchases are said to have taken place. More than 50 guns were seized. Gun trafficking has also been a problem in my home State of Michigan. According to an Americans for Gun Safety analysis of ATF trace data from 1996–1999, over 40 percent of the guns traced to criminals committed in Michigan in 1998 and 1999 originated in other States, a much higher rate than the national average. The largest number of out of State suppliers of guns to Michigan during that period were in Ohio, Kentucky, Georgia, and Alabama.

These statistics demonstrate the length to which criminals are willing to go to circumvent our gun laws. This kind of activity can be stopped by vigorously enforcing our gun laws, providing law enforcement with stronger tools to crack down on gun trafficking, on corrupt gun dealers and other armed criminals, and by passing sensible gun safety legislation. I commend the hard work of the Bureau of Alcohol, Tobacco, Firearms and Explosives and other Federal, State and local law enforcement officers. Vigorous law enforcement is an integral part of reducing gun violence.

IN MEMORIAM OF CONGRESSMAN BOB MATHIAS

Mrs. BOXER. Mr. President, today I rise to honor the life of Congressman Robert “Bob” Mathias Olympian, Congressman, and San Joaquin Valley son. Congressman Bob Mathias passed away on September 2, 2006.

Bob Mathias was born in Tulare, CA, on November 17, 1930. Mr. Mathias attended and graduated from Tulare Union High School in 1948. In 1953, he graduated with his bachelor of arts degree from Stanford University, and in 1954 he enlisted in the U.S. Marine Corps, where he rose to the rank of second lieutenant. In 1956 he was selected to the U.S. House of Representatives for the 18th Congressional District that also included his hometown of Tulare, and continued his service until 1974.

By all accounts such impressive accomplishments would be considered aspects of a fruitful life. However, Mr. Mathias was also a gifted athlete. Mr. Mathias’ athletic career was laden with accomplishments, including consecutive gold medals in the Olympic decathlon from 1948 to 1952. Seventeen-year-old Bob Mathias first competed in the 1948 London Summer Olympics, only months after picking up the sport. He became the youngest Olympic gold medalist, winning the decathlon. His meteoric rise in 1948 led to his depiction on the cover of LIFE magazine and the Sullivan Award for Athlete of the Year from the AAU. At the 1952 Helsinki games, Mr. Mathias again won the gold medal in the decathlon, and continued to make history as the first person to ever win consecutive Olympic decathlons. That same year Bob Mathias was named the Associated Press Male Athlete of the Year recognition of his feats on the track and on the football field. Mr. Mathias was also a member of the 1952 Stanford football team, playing an integral part of that team that went on to the 1952 Rose Bowl. His athleticism and accomplishments earned him a place in the U.S. Olympic Hall of Fame, as well as the National Track and Field Hall of Fame. He also went on to guide younger generations of athletes as the Director of the U.S. Olympic Training Center in Colorado Springs, the National Fitness Foundation, and the American Kids Sports Association.

Throughout his life, Congressman Mathias remained a humble man, true to his roots, dedicated to his family and country, unfazed by fame. As a young child, Mr. Mathias battled anemia and other illnesses. His perseverance in athletics and academics despite these problems no doubt prepared him for future work later in his athletic career and service in the Marine Corps. Bob Mathias served as a goodwill ambassador for youth programs on behalf of the U.S. Department of State. His service to his country continued in this dedication to the constituents of the 18th Congressional District. Congressman Mathias is survived by his wife Gwen; his 4 daughters, Romel, Megan, Marissa, and Alyse; his son Reiner; his 10 grandchildren; his sister Patricia; and his two brothers, Jim and Eugene. I extend my deepest sympathies to his family.

Congressman Mathias will be missed by his family, his friends, his fans and all those whose lives he touched. May his kindness, humility and hard work remain an inspiration to us all.

FASD AWARENESS DAY

Ms. MURKOWSKI. Mr. President, tomorrow is the ninth day of the ninth month, a day designated as International Fetal Alcohol Spectrum Awareness Day. I rise today to state
that it is imperative that we continue to spread the word that no amount of alcohol is safe to consume during the 9 months of pregnancy. By continuing to raise awareness, we can hopefully minimize the harm that drinking during pregnancy can cause our most vulnerable population, our children.

In February of 1999, a small group of parents, raising children afflicted with fetal alcohol spectrum disorders, set out to change the world. That small group started a support group which quickly became a worldwide grassroots movement to observe September 9 as International Fetal Alcohol Spectrum Disorders Awareness Day. This year, for the eight consecutive year, events are occurring in cities and towns not just across the country but around the world.

In my State of Alaska, I am proud that events are occurring in Juneau, Anchorage, and Fairbanks. Citizens from my State are raising awareness about the dangers of alcohol on the developing fetus. That is 40,000 infants. FASD affects more children than Down syndrome, cerebral palsy, spina bifida and muscular dystrophy combined.

In Alaska, we sadly continue to have the highest rate of FASD in the Nation. Approximately 163 Alaskan babies are born each year affected by maternal alcohol use during pregnancy. Among our Native communities, the rate of FASD can be 15 times higher than non-Native areas in the State.

Despite these troubling figures, FASD is still widely under diagnosed, misdiagnosed, or not diagnosed at all. Diagnosis is difficult because many women do not drink, and conducting high school assemblies which teach students about the dangers of alcohol on the developing fetus.

As we all know, FASD is 100 percent preventable and it remains a leading cause of nonhereditary mental retardation in the United States. Many children affected by maternal drinking during pregnancy though a variety of events, such as passing out brochures with preventative messages to physicians’ offices, delivering cocktail napkins to area bars with a message stamped on them that reminds pregnant women to drink responsibly, and assemblies which teach students about the dangers of alcohol on the developing fetus.

Every year in America, an estimated 1 in every 100 babies is born with FASD—that is 40,000 infants. FASD affects more children than Down syndrome, cerebral palsy, spina bifida and muscular dystrophy combined.

In Alaska, we sadly continue to have the highest rate of FASD in the Nation. Approximately 163 Alaskan babies are born each year affected by maternal alcohol use during pregnancy. Among our Native communities, the rate of FASD can be 15 times higher than non-Native areas in the State.

Despite these troubling figures, FASD is still widely under diagnosed, misdiagnosed, or not diagnosed at all. Diagnosis is difficult because many women do not drink, and conducting high school assemblies which teach students about the dangers of alcohol on the developing fetus.

Congress must strengthen whistleblower protections.

Mr. AKAKA. Mr. President, as a co-sponsor of the fiscal year 2007 National Defense Authorization Act, I urge my fellow congressmen to support the Senate’s strong whistleblower protections for federal employees. The Senate bill includes an amendment I offered with Senator COLLINS that mirrors our bipartisan measure, S. 494, the Federal Employee Protection of Disclosures Act. S. 494 and the amendment have strong bipartisan support in the Senate. In the House, Representatives Tom DAVIS and Henry WAXMAN, the chairman and ranking member of the House Government Reform, and Representative TODD PLATTS, the sponsor of companion legislation to S. 494, have asked Representative DUNCAN HUNTER, chairman of the House Armed Services Committee, to include strong whistleblower protections in the final defense authorization bill.

The Senate action was a significant step forward for Federal whistleblowers and the American taxpayer. Congress must assert its original intent of the Whistleblower Protection Act, WPA, which protects Federal employees who disclose any waste, fraud, and abuse. Congress encourages such disclosures, which save lives and taxpayer dollars, and has repeatedly said that the courts should not erect barriers to disclosures which limit the flow of information from Federal employees who may have knowledge of government wrongdoing.

We have all heard of the brave men and women who have come forward at great personal risk to report cases of waste, fraud, and abuse; for their safety. Examples include: Mr. Richard Foster, Medicare’s chief actuary, who disclosed to Congress that the actual cost of the Medicare reform bill was $156 billion more than what the Bush administration told us. He was prohibited by his supervisors from alerting Congress to this huge discrepancy prior to the bill’s enactment and was threatened with firing if he did so; U.S. Border Patrol Agents Mark Hall and Bob Lindemann, who disclosed security lapses along our northern border, including a lack of staff, equipment, and detention facilities. As a result, their supervisors proposed 90-day suspensions and removals for 1 year; and Mr. Donald Van Winkle, an air-monitoring technician at the Bluegrass Army Depot in Kentucky, who revealed serious operational failures with monitors used to detect leaks of chemical warfare agents. As a result of this disclosure, Mr. Van Winkle lost his security clearance, thus denying him the ability to continue his job. Unfortunately, current law does not provide any independent review for this type of retaliatory practices.

This spring, the Supreme Court ruled that the first amendment does not protect public sector employees, including Federal workers, from retaliation when disclosing government wrongdoing as a part of their official duties. Instead, the Court held that protection is left to State and Federal whistleblower laws. Unfortunately, Federal whistleblower protections have been watered-down by repeated decisions by the Federal Circuit Court of Appeals. The clear congressional intent that disclosures are protected without restriction to time, place, form, motive, or context, including disclosures made during the ordinary course of an employee’s job.

As a result of various court decisions, honest employees have been denied protection from retaliatory practices. In fact, only one federal whistleblower has won on the merits of their claim in 20 years, before the Federal Circuit in the past 12 years. This egregious lack of employee protection has a serious chilling effect on good faith whistleblowing. Although President Bush issued a memo in 2001 requiring Federal employees to disclose waste, fraud, and abuse, the Executive Order has been eroded protections for disclosures and placed Federal workers in a no-win situation. Congress must take action now to reverse the protections granted by the WPA.

My amendment will: clarify congressional intent that Federal employees are protected for any disclosure of waste, fraud, or abuse—including those made as part of an employee’s job duties; provide an independent determination as to whether the loss or denial of a security clearance is retaliation against a whistleblower; and suspend the Federal Circuit’s sole jurisdiction over Federal employee whistleblowers for 5 years.

Congress has the responsibility to guarantee strong and meaningful protections for Federal whistleblowers.
Federal employees must know they will not face retaliation when disclosing information that protects our national security, safeguards the health of our children, or saves taxpayer dollars.

If Congress is serious about eliminating waste, fraud, and abuse, and ensuring that the government for the people and by the people actually is working in the best interests of the people, then we must protect those who wish to disclose illegal or unethical activity. Whistleblowers should not be restrained because they fear retaliation for doing what is right.

Again, I thank my Senate colleagues for supporting this important measure, and I urge our House counterparts to join with us in strengthening whistleblower protections.

ADDITIONAL STATEMENTS

HONORING POLICE CHIEF GARY MARTIN

Mr. BAYH. Mr. President, today I pay tribute to the Lake County Sheriff’s Department police chief Gary Martin for his decades of dedicated service to the people of northwest Indiana and his extraordinary kindness toward the families of fallen Hoosier police officers. It is with a heavy heart and a deep sense of gratitude that I honor the life of Chief Martin, who was killed on August 22 on Indiana 63 when he was struck by an automobile while participating in a charity bike ride to benefit the families of fellow officers who have died in the line of duty. Gary’s dedication to the families of our State kept him involved in public service up until his death, doing his part to comfort and support Hoosiers as they confront the loss of a loved one. I know that he will be sorely missed.

Gary was a good and decent man who dedicated his life to serving others. From his work with the sheriff’s department to his involvement in the community, his career and retirement were filled with acts of conscientious service on behalf of friends, family members, and Hoosiers across Indiana. The contributions he made touched countless lives, and he will be sorely missed.

Gary was a 25-year veteran of the Gary Police Department, where he attained the rank of assistant chief. He was appointed chief of the Lake County Sheriff’s Department in 2002. And for the past three decades, Gary taught criminal justice at Indiana University North. He will be deeply missed by the energy he brought to protecting and serving his community and to caring for his colleagues and their families in their time of need. He is survived by his wife Olga and two children, Greg and Jennifer.

Like all of his colleagues in law enforcement, Gary made daily sacrifices to ensure the safety of our streets, our neighborhoods, and our families. In an increasingly dangerous world, we depend on our brave men and women like Gary to protect us from violence and other threats to our communities.

A lifelong Hoosier, he was also involved in numerous other public safety and educational initiatives. Including working to create a pilot program with Gary schools that sought to assure parents that their children would get to school, attend school, and return home safely. Lake County sheriff Rogelio “Roy” Domiguez recalled Martin’s leadership and warmth, saying “Gary was a friend and a mentor to everyone in law enforcement and our entire community. He will be greatly missed by the thousands of students, police officers and others who simply call him ‘friend’.” It is a rare man who can make such an impact on so many people over the course of one life. Hoosiers will miss Gary as a friend, a community leader, and a tireless public servant.

It is my sad duty to enter the name of Gary Martin in the official Record of the U.S. Senate for his service to the State of Indiana.

HONORING INDIANA STATE POLICE LIEUTENANT GARY DUDLEY

Mr. BAYH. Mr. President, I today pay tribute to Indiana State Police Lieutenant Gary Dudley for his decades of dedicated service to the people of Indiana and his extraordinary kindness toward the families of fallen Hoosier police officers. It is with a heavy heart and a deep sense of gratitude that I honor the life of Lieutenant Dudley, who was killed on August 22 when he was struck by an automobile while participating in a charity bike ride to benefit the families of his fellow officers who have died in the line of duty. Gary’s dedication to the families of our State kept him involved in public service up until his death, doing his part to comfort and support Hoosiers as they confront the loss of a loved one. I know he will be greatly missed.

Gary was a good and decent man who dedicated his life to serving others. From his work with the Indiana Law Enforcement Academy to his involvement in the community, his career was filled with acts of conscientious service on behalf of friends, family members, and Hoosiers across Indiana. The contributions he made touched countless lives, and he will be sorely missed.

Gary was a 25-year veteran of the Gary Police Department, where he attained the rank of assistant chief. He was appointed chief of the Lake County Sheriff’s Department in 2002. And for the past three decades, Gary taught criminal justice at Indiana University North. He will be deeply missed by the energy he brought to protecting and serving his community and to caring for his colleagues and their families in their time of need. He is survived by his wife Carolyn, his father Orsel Dudley, and a brother, Danny Dudley.

Like all of his colleagues in law enforcement, Lieutenant Dudley made daily sacrifices to ensure the safety of our streets, our neighborhoods, and our families. In an increasingly dangerous world, we depend on our brave men like Gary to protect us from violence and other threats to our communities.

A lifelong Hoosier, he used his passion for cycling to help families of police officers who have died in the line of duty. The COPS charity ride, which he started, was in its third year. Longtime friend Sergeant Dave Bursten recalled Dudley’s selfless commitment to friends and strangers alike, saying “Gary was very unique, beyond the personal. He’d give you his back. ‘He’d give you his pants, he’d give you his shoes, he’d give you his next to last dollar if you genuinely needed it. He was always there to help people.’” It is a rare man who can make such an impact on so many people over the course of one life. Hoosiers will miss Gary as a friend, a community leader, and a tireless public servant.

It is my sad duty to enter the name of Gary Dudley in the official Record of the U.S. Senate for his service to the State of Indiana.

This is a nonprofit organization that was established in 1961 at the suggestion of Angie Biddle, then Chief of Protocol, to help the hundreds of newly arrived diplomats and their families adjust to Washington. In 1961 there were 101 Embassies with 1,200 diplomatic families. Today embassies total more than 170 with 4,000 diplomats and families in Washington. THIS volunteers provide a variety of services and programs to help diplomats and their families learn about Washington through English and seven foreign language conversation groups and a book club. Programs include forums for discussion of issues that are world-wide in scope, such as health, human rights and education. They also conduct programs on government affairs, performing arts, architecture and American history.

THIS plays an important role in welcoming foreign diplomats to Washington and has made a difference in the lives of diplomats from many countries. As just a few have said:

“I would like to thank THIS for the wonderful work that you do and for your warm and friendly attention.”

Miriam Barak—Israel

“I express both my pleasure and my gratitude to the THIS organization as well. THIS is a wonderful vehicle by which the best of America is portrayed. Such an organization can only be an influential force for good.”

Ann Robinson—Great Britain
I have supported Federal funding for agency programs like the Amachi program, which pairs faith-based mentors in one-to-one matches with children of incarcerated parents, as well as its Lunch Buddies program, which pairs elementary school students with caring adults, for two monthly lunch visits at the children’s schools.

Big Brothers Big Sisters of Northeast Indiana makes a visible impact in the lives of Hoosier youths, and it is deserving of the recognition that it has received from both Senator and congratulations today and look forward to continuing to support to this exemplary organization in the future.

MESSAGE FROM THE HOUSE
At 11:34 a.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 583. An act to amend the Horse Protection Act by prohibiting the shipment, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, HEPLEY, SUTTON, MCHugh, BARTLETT of Maryland, THORNBERY, HOSTETTLER, JONES of North Carolina, RYUN of Kansas, GIBBONS, HAYES, CALVERT, SIMMONS, Mrs. DRAKE, Messrs. DAVIS of Kentucky, SKELETON, SPRATLEY, OUTT of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mrs. TAUSCHER, Messrs. BRADY of Pennsylvania, KRIECHT, and THOMPSON of Mississippi.

From the Committee on International Relations, for consideration of sections 1021, 1023, 1201-1204, 1206, title XIII, sections 3113 and 3114 of the House bill, and sections 1014, 1021-1023, 1054, 1092, 1201-1208, 1210, 1214, title XIII, sections 3112 and 3113 of the Senate amendment, and modifications committed to conference: Messrs. HYDE, LEACH, and LANTOS.

From the Committee on the Judiciary, for consideration of section 1021 of the House bill, and sections 601, 1044, 1086, 1089, 1091, and 1094 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRUNNER, COBLE, and CONYERS.

From the Committee on Resources, for consideration of sections 601 and 1036 of the House bill, and section 601 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLEITERT, SODREL, and GORDON.

From the Committee on Small Business, for consideration of sections 874 and 1093 of the Senate amendment, and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELAZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 312, 551, 601, 602, and 2845 of the House bill, and sections 333, 584, 601, 1042, 1095, 2842, 2851, 2853, and 2855 of the Senate amendment, and modifications committed to conference: Messrs. HENEFER of Alaska, LOBIONDO, and OBERSTAR.

From the Committee on Veterans Affairs, for consideration of sections 666, 682, 683, 687, 721, and 923 of the Senate
amendment, and modifications committed to conference: Messrs. Buyer, Boozman, and Ms. Herseth.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3861. A bill to facilitate bringing to justice terrorists and other unlawful enemy combatants through full and fair trials by military commissions, and for other purposes.

S. 3873. A bill to protect private property rights.

S. 3874. A bill to provide in statute for the protection of American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, and for other purposes.

S. 3875. A bill to provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, and for other purposes.


S. 3878. A bill entitled the “Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006.”

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 503. An act to amend the Horse Protection Act of 1970, to make it unlawful to acquire, transport, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 3882. A bill to amend title 18, United States Code, to support the war on terrorism, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. Collins, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds (Rept. No. 109-339).

By Mr. Roberts, from the Select Committee on Intelligence:


By Mr. Roberts, from the Select Committee on Intelligence:

Special Report entitled “Postwar Findings About Iraq's WMD Programs and Lends to Terrorism and How They Compare with Pre-war Assessments” (Rept. No. 109-331). Additional and Minority views filed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. Inhofe

S. 3879. A bill to implement the Convention on Supplementary Compensation for Nuclear Damage, and for other purposes; to the Committee on Environment and Public Works.

By Mr. Inhofe (for himself, Mrs. Feinstein, Mr. Thune, and Mr. Isakson):

S. 3880. A bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing acts of domestic or transnational terrorism; to the Committee on the Judiciary.

By Mr. Isakson (for himself and Mr. Lautenberg):

S. 3881. A bill to amend the Internal Revenue Code of 1986 to encourage private philanthropy; to the Committee on Finance.

By Mr. Kyl (for himself, Mr. DeWine, Mr. Brown, and Mr. Santorum):

S. 3882. A bill to amend title 18, United States Code, to support the war on terrorism, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. Chafee (for himself, Mr. Reed, Mr. Kerry, and Mr. Kennedy):

S. Res. 562. A resolution paying tribute to the Reverend Waitstill Sharp and Martha Sharp for their recognition by the Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority as Righteous Among the Nations for their heroic efforts to save Jews during the Holocaust; considered and agreed to.

By Mr. Inhofe (for himself and Mr. Nelson of Nebraska):

S. Res. 563. A resolution designating September 13, 2006, as “National Celiac Disease Awareness Day”, considered and agreed to.

By Mr. DeWine (for himself and Mr. Kirk):

S. Res. 564. A resolution designating September 10 through September 16, 2006, as “National Poly cystic Kidney Disease Awareness Week” and supporting the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understandings the impact polycystic kidney disease has on patients and future generations of their families; considered and agreed to.

ADDITIONAL COSPONSORS

S. 388. At the request of Mr. DeWine, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 388, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 1934. At the request of Mr. Dayton, his name was added as a cosponsor of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2010. At the request of Mr. Nelson of Florida, his name was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elderly abuse, neglect, and exploitation, and for other purposes.

S. 2252. At the request of Mr. Grassley, the names of the Senators from New Mexico (Mr. Bingaman) and the Senator from Connecticut (Mr. Dodd) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2592. At the request of Mr. Harkin, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 2592, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of “food of minimal nutritional value” to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 2622. At the request of Mr. Bingaman, the name of the Senator from Iowa (Mr. Grassley) was added as a cosponsor of S. 2643, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 3239. At the request of Mr. Dayton, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 3239, a bill to require full disclosure of insurance coverage and noncoverage by insurance companies and provide for Federal Trade Commission enforcement.

S. 3456. At the request of Mr. Menendez, the name of the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 3456, a bill to ensure the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

S. 3585. At the request of Mr. DeMint, the name of the Senator from Idaho (Mr. Craig) was added as a cosponsor of S. 3496, a bill to amend the Internal Revenue Code of 1986 to eliminate the limitation on the foreign earned income exclusion, and for other purposes.

S. 3606. At the request of Mr. Brownback, the name of the Senator from Oklahoma (Mr. Inhofe) was added as a cosponsor of S. 3606, a bill to amend the Revised statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments’ constitutional actions under the first, tenth, and fourteenth amendments.

S. 3714. At the request of Mr. Durbin, the names of the Senator from Rhode Island (Mr. Reed) and the Senator from
Arkansas (Mrs. Lincoln) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3768

At the request of Mr. Leahy, the names of the Senator from California (Mrs. Feinstein), the Senator from Vermont (Mr. Jeffords), the Senator from New Jersey (Mr. Durbin), the Senator from Maryland (Ms. Mikulski), the Senator from Nebraska (Mr. Hagel) and the Senator from Nevada (Mr. Reid) were added as cosponsors of S. 3768, a bill to prohibit the procurement of victim-activated landmines and other weapons that are designed to be victim-activated.

S. 3771

At the request of Mr. Bond, the names of the Senator from Alabama (Mr. Sessions), the Senator from Virginia (Mr. Allen) and the Senator from North Carolina (Mrs. Dole) were added as cosponsors of S. 3771, a bill to amend title 18, United States Code, to prohibit the unauthorized disclosure of classified information.

S. 3775

At the request of Mr. Brownback, the name of the Senator from Pennsylvania (Mr. Santorum) was added as a cosponsor of S. 3775, a bill to clarify Federal law to prohibit the dispensing, distribution, or administration of a controlled substance for the purpose of causing, or assisting in causing, the suicide, euthanasia, or mercy killing of any individual.

S. 3807

At the request of Mr. Enzi, the name of the Senator from Minnesota (Mr. Dayton) was added as a cosponsor of S. 3807, a bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to improve drug safety and oversight, and for other purposes.

S. 3895, S. 3817

At the request of Mr. Inhofe, the name of the Senator from Oklahoma (Mr. Inhofe) was added as a cosponsor of S. 3895, a bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

At the request of Mr. Feingold, his name was added as a cosponsor of S. Res. 3817, a bill to amend the National Sexual Assault Hotline and other provisions to establish the Hotline for counseling and support to more than 1,000,000 callers.

AMENDMENT NO. 4915

At the request of Mr. Bingaman, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of amendment No. 4915 proposed to H.R. 5631, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Inhofe (for himself, Mrs. Feinstein, Mr. Thune, and Mr. Isakson):

S. 3880. A bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals or foreign animal enterprise terror; to the Committee on the Judiciary.

Mrs. Feinstein. Mr. President, today along with Senator INHOFE, I am pleased to introduce the Animal Enterprise Terrorism Act. It is crucial to respond to the expanded scope of terrorist activity that has threatened to impede important medical research and scientific innovation.

The legislation we introduce today would: clarify that it is a crime to damage or interfere with an "animal enterprise"—which includes legitimate companies and non-profit organizations that use animals for education, research or testing; expand Federal law to also make it illegal to harm or cause property loss to anyone connected with an animal enterprise; criminalize threats, harassment, and other illegal activity that uses interstate commerce to intentionally cause fear of death or injury to anyone connected with an animal enterprise; establish graded penalties of up to 20 years depending on the financial damage or level of bodily injury caused by such illegal conduct, and up to life imprisonment for certain individuals; establish that a convicted animal enterprise terrorist can also be ordered as restitution to pay the animal enterprise's cost of repeating experiments and other losses resulting from the criminal conduct; and clarify that all legitimate protest activities protected by the First Amendment are exempted from any prosecution under the bill.

The need for this bill is obvious. On June 30 of this year, extremist activists, acting in the name of animal rights, attempted to firebomb a Los Angeles home thought to belong to a prominent UCLA primate researcher. The home actually belonged to a 70-year-old woman, and thankfully, the device did not ignite. But the desired impact was nonetheless achieved.

Just weeks later, a colleague of the targeted researcher announced that he will discontinue his important research at UCLA. He had two words for the terrorists who carried out the failed bombing: "You win."

While I recognize that reasonable people might disagree about animal research, and believe in the right to legitimate protest, it is outrageous that violent acts, threats and extortion have ended a legitimate medical research career.

Unfortunately, similar incidents have occurred throughout the State of California for several years, including the placing of bombs at the Emeryville offices of Chiron Corporation, a pharmaceutical company in the Bay area, that employs 4,000 employees as our Nation's 2nd largest manufacturer of flu vaccines.

Agents believe the second bomb was timed to go off as first-responders arrived.

Yet extremist organizations, such as the Animal Liberation Front, defend these actions around the country as morally justifiable, and shamelessly take credit for these heinous acts.

Their tactics have evolved in the face of our current laws, and consequently, the scope of their terror is widening.

In recent years, animal rights extremists have expanded their campaigns to include secondary and tertiary targets, such as businesses and associates who maintain even highly-attenuated relationships with animal research facilities have found themselves the targets of terror and harassment.

These targets include banks, insurance companies, stockbrokers, customers, construction services, food services, Internet service providers, telecommunications, and even janitorial services.

No matter how remote the relationship, anyone who does business with an organization engaged in animal research is at risk.

But these indirect attacks are outside the scope of our current laws, and threaten to slow the progress of one of our Nation's largest and most valuable industries.

We must recognize that scientific research is not only a legitimate career, but also an invaluable facet of medical advancement, conducted by respectable professionals deserving of our support.

The deplorable actions of these terrorists threaten to impede important medical progress toward lifesaving cures and medical innovation.

They threaten to dishearten noble researchers, and to discourage promising young scientists and graduate students from ever entering these important fields of research.

It is in light of these dangerous threats that Senator INHOFE and I today introduce the Animal Enterprise Terrorism Act.

This legislation addresses the changing tactics of these terrorists, and provides law enforcement officials with the tools necessary to protect our Nation's researchers more effectively.

This new legislation will expressly outlaw the targeting of secondary and tertiary targets, by including within the scope of prosecution terrorists who act against any "person or entity having a connection to, relationship with, or transactions with an animal enterprise."

This is an important step toward combating the modern tactics of animal rights extremists and eco-terrorists, and toward protecting vital business relationships that foster and support the research industry.

At the same time, however, this legislation confronts these terrorist threats in a manner that gives due protections under the First Amendment.
I fully recognize that peaceful picketing and public demonstrations against animal testing should be recognized as part of our valuable and sacred right to free expression.

For this reason, all conduct protected by the First Amendment is expressly excluded from the scope of this legislation. This law effectively protects the acts of the law-abiding protestor while carefully distinguishing the criminal activity of extremists.

The bill is also mindful and respectful of State efforts to address these problems. For this reason, the bill makes clear that it does not preempt State or local laws that address such conduct.

We are keenly aware of our responsibility to protect legitimate businesses and educational institutions from the damaging effects of this new breed of domestic terrorism. It is with this goal in mind that we introduce this bill today.

Biomedical research is a multi-billion dollar industry, but more importantly, it is a lifesaving industry. With the passage of this legislation, we can help to ensure both the productivity of this important field, and the protection of our scientists and their associates.

I would like to express my thanks to Senator INHOFE for his hard work and support on this important issue. I would also like to thank Senator HARKIN for his early initiative and continued support for this goal.

I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 562—PAYING TRIBUTE TO THE REVEREND WAITSTILL SHARP AND MARTHA SHARP—FOR THEIR RECOGNITION BY THE YAD VASHEM HOLOCAUST MARTYRS’ AND HEROES’ REMEMBRANCE AUTHORITY AS ‘RIGHTIOUS AMONG THE NATIONS’ FOR THEIR HEROIC EFFORTS TO SAVE JEWS DURING HOLOCAUST

Mr. CHAFEE (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. Res. 562

Whereas on June 13, 2006, the Yad Vashem Holocaust Martyrs’ and Heroes’ Remembrance Authority in Israel, an organization dedicated to preserving the memory of Holocaust victims, honored the Reverend Waitstill Sharp, and his wife, Martha Sharp, posthumously as “Righteous Among the Nations” for risking their lives to save Jews during the Holocaust;

Whereas the Sharps had to leave their 2-year-old daughter and 6-year-old son in the care of family and congregants in Wellesley, Massachusetts to answer a call from leaders of the American Unitarian Association to go to Czechoslovakia in February 1939 to provide humanitarian assistance for the tens of thousands of refugees crowding into Prague;

Whereas Martha Sharp was a social worker trained at the Jane Addams Hull House, a community service organization in Chicago, Illinois, and the Reverend Waitstill Sharp was a Harvard-educated lawyer and Sunday School teacher who was inspired to become a Unitarian minister;

Whereas after their arrival in Czechoslovakia, the Sharps’ immediate group found that they needed not only to help feed refugees, but also to assist Jews and opponents of the Nazi regime escape to safety elsewhere in Europe;

Whereas the Sharps refused to leave Prague when, in March 1939, a month after the Nazis occupied Czechoslovakia, making the Sharps’ work more urgent, more complicated, and more dangerous;

Whereas the Sharps insisted on continuing their life-saving mission by working out of private residences even after April 1939, when the Nazis ransacked the office of the Unitarian mission in Prague and threw the furniture into the street;

Whereas the Sharps repeatedly risked their own safety to exit and re-enter Nazi-occupied Czechoslovakia to obtain the travel documents necessary to help Jews and opponents of the Nazi regime escape Czechoslovakia, and even escorted some Jews and refugees by train through Germany to the United Kingdom;

Whereas the Sharps were determined to complete their 6-month mission, even after warnings that the Gestapo was searching for them;

Whereas the Sharps stayed in Czechoslovakia until August 30, 1939, 1 day before Gestapo agents came to arrest Martha Sharp, who had become known for her boldness at evading Nazi rules restricting travel; whereas the Sharps’ return in 1940 to their family and the Wellesley Hills Unitarian Church in Massachusetts, their report to the American Unitarian Association about the imminent danger posed by the Gestapo, and the Sharps being asked to establish a similar operation in France under the newly founded Unitarian Service Committee;

Whereas the Sharps returned to Europe in 1940 fully aware of the Nazi terror they would face;

Whereas the Sharps had a special interest in saving refugee children, as well as artists, intellectuals, and political dissidents, and the Sharps’ following of refugees who followed in their footsteps set up systems and escape routes that functioned throughout World War II to assist approximately 2,000 men, women, and children to gain freedom;

Whereas the famous Jewish novelist, Lion Feuchtwanger, who was one of the first Germans to be deported after Hitler came to power and whose name topped the Gestapo’s “Sonderkommando” list, was one of the first people the Sharps helped in a dramatic and dangerous escape from France;

Whereas Eva Rosemarie Feigl, who was 14 in December 1940 when Martha Sharp helped her and 28 other children reach safety in the United States, provided eye-witness testimony that enabled the Yad Vashem Holocaust Martyrs’ and Heroes’ Remembrance Authority in Jerusalem, Israel, to honor the Sharps as Righteous Among the Nations;

Whereas when the Sharps’ plans to set up the first office of the newly formed Unitarian Service Committee failed as a result of the Nazi occupation of France, the Sharps instead established an operation in neutral Portugal, where throughout World War II they fulfilled the last hope for refugees seeking safe passage out of Nazi-occupied territory;

Whereas the Sharps recognized that they were dependent upon a much larger circle of friends and colleagues who made their heroicism possible, such as the people who cared for the children who were the family of the Sharps’ children of the congregation in Wellesley, Massachusetts who maintained the Wellesley Hills Unitarian Church in the Sharps’ absence, ordination ministers who financed their cause, ministers across the United States who urged their congregations to become sponsors for refugees, and secretaries who volunteered in Europe and Europe to maintain thousands of case files for refugees;

Whereas the Sharps’ efforts resulted not only in the rescue of thousands of Jews, but in the creation of what is now known as the Unitarian Universalist Service Committee, an institution that multiplied the number of rescues a thousand-fold in the years that followed;

Whereas at the Yad Vashem ceremony that honored the Sharps as Righteous Among the Nations on June 13, 2006, in Israel, officials specifically recognized the Sharps’ courage in going into the heart of Europe when World War II was unfolding and many people were fleeinguschmachenschutz;

Whereas Martha Sharp was the first American woman to be named Righteous Among the Nations, and the Reverend Waitstill Sharp was named Righteous Among the Nations in the second and third individuals named Righteous Among the Nations who were United States citizens at the time they performed the deeds for which they were honored;

Whereas the Sharps’ daughter, Martha Sharp Joukowsky, accepted the Yad Vashem honor on behalf of her parents and remarked that they were “modest and ordinary people, who responded to the suffering and needs around them . . . as they would have expected every decent person to do in a similar situation”;

Whereas Martha Sharp Joukowsky added that the honor given to her parents is also about “the unseen efforts of a much wider circle of people who made their work possible” and that it “is the kind of network that is needed again today to stop the slow genocide in Darfur”;

Whereas Martha Sharp Joukowsky concluded her remarks by saying, “Let this celebration about my parents stand as a call to action”;

Whereas September 9, 2006, marks the second anniversary of the United States Government declaring the violence in Darfur, Sudan as genocide;

Whereas the Sharps deserve honor for their example and for helping to found an institution, the Unitarian Universalist Service Committee, that today carries on their work in distant corners of the world and asks for the Righteous Among the Nations to help save Darfur now; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the Reverend Waitstill Sharp and Martha Sharp as genuine American heroes;

(2) pays tribute to the Reverend Waitstill Sharp and Martha Sharp as their names are added to the Wall of Rescuers in the permanent exhibition of the United States Holocaust Memorial Museum on September 14, 2006;

(3) commends the organization founded to support the Sharps’ work, the Unitarian Universalist Service Committee, for its efforts to rescue Jews and opponents of the Nazi regime in Europe from 1939 to 1945 and for carrying on the Sharps’ legacy by working to ensure the lives of the people of Darfur, Sudan and to protect human rights worldwide; and

(4) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Standing Commission on African Service, Rhode Island, the direct descendants of the Reverend Waitstill Sharp and Martha Sharp,
SENATE RESOLUTION 564—DESIGNATING SEPTEMBER 13, 2006, AS "NATIONAL CELIAC DISEASE AWARENESS DAY"

Mr. INHOFE (for himself and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:

S. Res. 563

Whereas celiac disease affects 2,200,000 people in the United States, including 1 in 133 healthy people;

Whereas celiac disease is an intolerance to gluten, a protein found in wheat, rye, oats, and barley, as well as some medicines and vitamins;

Whereas exposure to gluten damages the villi of the small intestine, interfering with the absorption of nutrients in food;

Whereas celiac disease is an autoimmune disorder and a malabsorption disease;

Whereas celiac disease is a genetic disease, with 1 in 22 people having a first-degree relative with celiac disease;

Whereas the average length of time it takes for a symptomatic person to be diagnosed with celiac disease is 11 years;

Whereas celiac disease is often misdiagnosed and undiagnosed due to the fact that symptoms can be attributed to other conditions and many doctors are not very knowledgeable about the disease;

Whereas, according to a study, 90 percent of children and 41 percent of adults diagnosed with celiac disease were asymptomatic;

Whereas celiac disease is diagnosed through tests measuring the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase, and IgA anti-endomysium antibodies;

Whereas celiac disease is treated by following a gluten-free diet;

Whereas damage to the small intestine leads to an increased risk for malnutrition, anemia, lymphoma and adenocarcinoma, osteoporosis, miscarriage and congenital malformations, and barium;

Whereas celiac disease is linked to many autoimmune disorders, including thyroid disease, systemic lupus erythematosus, type 1 diabetes and disease, collagen vascular disease, rheumatoid arthritis, and Sjögren’s syndrome;

Whereas the connection between celiac disease and diet was first established by Dr. Samuel Gee, who was born on September 13, 1839;

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of celiac disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 13 through September 16, 2006, as “National Celiac Disease Awareness Week”;

(2) encourages the people of the United States to observe the date with appropriate ceremonies and activities; and

(3) calls upon the people of the United States to support the Secretary of the Senate to transmit a copy of this resolution to the Celiac Sprue Association, the American Celiac Society, the Celiac Disease Foundation, the National Intolerance Group of North America, and the Oklahoma Celiac Support Group.

SENATE RESOLUTION 564—DESIGNATING SEPTEMBER 10 THROUGH SEPTEMBER 16, 2006, AS “NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK AND SUPPORTING THE GOALS AND IDEALS OF A NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK TO RAISE PUBLIC AWARENESS AND UNDERSTANDING OF THE IMPACT POLYCYSTIC KIDNEY DISEASE HAS ON PATIENTS AND FUTURE GENERATIONS OF THEIR FAMILIES”

Mr. DEWINE (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. Res. 564

Whereas polycystic kidney disease (known as “PKD”) is the most prevalent life-threatening genetic disease in the United States, is a severe, dominantly inherited disease that has a devastating impact, in both human and economic terms, on people of all ages, and affects equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas, based on prevalence estimates by the National Institutes of Health, it is estimated that about 600,000 patients in the United States have a genetic inheritance from 1 or both parents called polycystic kidney disease, and that countless additional friends, loved ones, spouses, and caregivers must shoulder the physical, emotional, and financial burdens that polycystic kidney disease causes;

Whereas polycystic kidney disease, for which there is no cure, is 1 of the 4 leading causes of kidney failure in the United States;

Whereas the vast majority of polycystic kidney disease patients reach kidney failure at an average age of 53, causing a severe strain on dialysis and kidney transplantation resources and on the delivery of health care in the United States, as the largest segment of the population of the United States, the “baby boomers” continues to age;

Whereas end stage renal disease is one of the fastest growing components of the Medicareicare kidney care program which contributes to that cost by an estimated $2,000,000,000 annually for dialysis, kidney transplantation, and related therapies;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidney and the cardiovascular, endocrine, hepatic, and gastrointestinal organ systems and instills in patients a fear of an unknown future with a life-threatening genetic disease and apprehension over possible genetic discrimination;

Whereas the severity of the symptoms of polycystic kidney disease and the limited public awareness of the disease causes many patients to live in denial and forego regular visits to their physicians or to avoid following good health management which would help avoid more severe complications when kidney failure occurs;

Whereas people who have chronic, life-threatening diseases like polycystic kidney disease have a predisposition to depression (7 times the national average) and its resultant consequences due to their anxiety over pain, suffering, and premature death;

Whereas the Senate and taxpayers of the United States desire to see treatments and cures for disease and would like to see results from investments in research conducted by the National Institutes of Health and from such initiatives as the NIH Roadmap to the Future;

Whereas polycystic kidney disease is a verifiable example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can generate therapeutic interventions that directly benefit polycystic kidney disease suffers and save billions of dollars under Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies, and make available several thousand openings on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to the discovery of the 3 primary genes that cause polycystic kidney disease and the 3 primary protein products of the genes and to the understanding of cell structures and signaling pathways that cause cyst growth that has produced multiple polycystic kidney disease clinical drug trials;

Whereas there are thousands of volunteers nationwide who are dedicated to expanding essential research, fostering public awareness, and understanding of polycystic kidney disease, educating polycystic kidney disease patients and their families about the disease to improve their treatment and care, providing moral support and encouraging people to become organ donors; and

Whereas these volunteers engage in an annual national awareness event held during the third week of September and such a week would be an appropriate time to recognize National Polycystic Kidney Disease Week; Now, therefore, be it

Resolved, That the Senate—

(1) designates September 10 through September 16, 2006, as “National Polycystic Kidney Disease Awareness Week”;

(2) supports the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease (known as “PKD”);

(3) recognizes the need for additional research into a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support National Polycystic Kidney Disease Week to promote public awareness of polycystic kidney disease and to foster understanding of the impact of the disease on patients and their families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4922. Mr. MCCAIN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. BIDEN, 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.

SA 4923. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 4954, which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4922. Mr. MCCAIN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. BIDEN, 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.

SA 4923. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 4954, which was ordered to lie on the table.
enhanced layered defenses, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

TITLE—RAIL SECURITY ACT OF 2006

SEC. 01. SHORT TITLE.
This title may be cited as the ’Rail Security Act of 2006’.

SEC. 02. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.
(a) IN GENERAL.
(1) VULNERABILITY ASSESSMENT.—The Secretary of Homeland Security for Border and Transportation Security (referred to in this section as the ’Under Secretary’), in consultation with the Secretary of Transportation, shall conduct a vulnerability assessment of freight and passenger rail travel, including transporting passengers, as that term is defined in section 10202(1) of title 49, United States Code), which shall include—

(A) identification and evaluation of critical assets and infrastructures;
(B) identification of threats to those assets and infrastructures; and
(C) identification of vulnerabilities that are specific to the transportation of hazardous materials via railroad; and

(b) REVIEW OF RAIL REGULATIONS.
(1) conduct a study to analyze the cost and re-
ducted formata whether the Under Secretary deter-
mines that such action is appropriate or nec-

(2) E XISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The assessment conducted under this subsection shall take into account ac-
tions taken or planned by both public and private entities to address identified security issues and assess the effective integration of such actions.

(3) RECOMMENDATIONS.—Based on the as-
essment conducted under this subsection, the Under Secretary, in consultation with the Secretary of Transportation, shall de-
velop prioritized recommendations for im-
proving rail security, including any rec-
ommendations the Under Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Under Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, tak-
ing into account the impact that any pro-
posed security measure might have on the provision of rail service;

(B) deploying equipment to detect explo-
sives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training employees in terrorism pre-
vention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-
term costs of measures that may be required to address those risks.

Consulation: Use of Existing Resources.—In carrying out the assessment required by subsection (a), the Under Secre-
tary shall consult with rail management, rail labor, and lessors of rail cars used to transport hazardous materials, first re-
sponders, shippers of hazardous materials, public officials (including those within-
in other agencies and offices within the De-
partment of Homeland Security), and other relevant parties.

(c) CONTENTS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Com-
mmittee on Transportation and Infrastructure of the House of Representatives a report that contains—

(A) the assessment and prioritized rec-
ommendations required by subsection (a) and an estimate of the cost to implement such recommendations;

(B) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the government to provide increased security support at high or severe threat levels of alert; and

(c) AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to the Under Secretary for fiscal year 2007 to carry out this section.

SEC. 03. RAIL SECURITY.
(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended by

(2) E XISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The assessment conducted under this subsection shall take into account ac-
tions taken or planned by both public and private entities to address identified security issues and assess the effective integration of such actions.

(3) RECOMMENDATIONS.—Based on the as-
essment conducted under this subsection, the Under Secretary, in consultation with the Secretary of Transportation, shall de-
velop prioritized recommendations for im-
proving rail security, including any rec-
ommendations the Under Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Under Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, tak-
ing into account the impact that any pro-
posed security measure might have on the provision of rail service;

(B) deploying equipment to detect explo-
sives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training employees in terrorism pre-
vention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-
term costs of measures that may be required to address those risks.

(d) AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to the Under Secretary for fiscal year 2007 to carry out this section.

SEC. 04. STUDY OF FOREIGN RAIL TRANS-
PORT SECURITY PROGRAMS.
(a) REQUIREMENT FOR STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of the rail passenger transportation security programs of Japan and other countries, including the train transport systems in Japan, member nations of the European Union, and other foreign countries.

(b) PURPOSE.—The purpose of the study conducted under subsection (a) shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective.

(c) REQUIREMENT.—The Comptroller General shall submit a report on the results of the study conducted under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Com-
mmittee on Transportation and Infrastructure of the House of Representatives. The report shall include the Comptroller General’s as-
seessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. 05. PASSENGER, BAGGAGE, AND CARGO SCREENING.
(a) REQUIREMENT FOR STUDY AND REPORT.—The Under Secretary, in cooperation with the Secretary of Transportation, shall—

(1) conduct a study to analyze the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains; and

(2) not later than 1 year after the date of the enactment of this Act, submit a report to the Committees named in subsection (c)(1), containing the updated assessment and rec-
ommendations that the Under Secretary may have for implementing a rail security screening program to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representa-

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary for fiscal year 2007 to carry out this section.

SEC. 06. CERTAIN PERSONNEL LIMITATIONS
NOT TO APPLY.
Any statutory limitation on the number of employees in the Transportation Security Administration of the Department of Trans-
portation, before or after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provi-
sions of this title.

SEC. 07. FIRE AND LIFE-SAFETY IMPROVE-
MENTS.
(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation may award grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, Baltimore, Maryland, and Washington, D.C.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the pur-
poses of carrying out subsection (a) the fol-
lowing amounts:

(1) For the 6 New York tunnels, to provide ventilation, electrical, and fire safety tech-
nology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers:

(A) $350,000,000 for fiscal year 2007; and

(B) $350,000,000 for fiscal year 2008; and

(C) $350,000,000 for fiscal year 2009; and

(D) $170,000,000 for fiscal year 2010.

(2) For the Northeast Corridor in New York, Baltimore, Maryland, and Washington, D.C.

(A) $100,000,000 for fiscal year 2007; and

(B) $100,000,000 for fiscal year 2008.

(3) For the Washington, DC Union Station tunnels to improve ventilation, communica-
tion, lighting, and passenger egress up-
grades:

(A) $8,000,000 for fiscal year 2007; and

(B) $8,000,000 for fiscal year 2008.
(C) $8,000,000 for fiscal year 2009; and
(D) $8,000,000 for fiscal year 2010.
(c) INFRASTRUCTURE UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation $5,000,000 for fiscal year 2007 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.
(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.
(2) unless, for each project funded under this section, the Secretary has approved a project management plan prepared by Amtrak that appropriately addresses—
(a) project budget;
(b) construction schedule;
(c) recipient staff organization;
(d) document control and record keeping;
(e) change order procedure;
(f) quality control and assurance;
(g) periodic plan updates;
(h) periodic status reports; and
(i) such other matters the Secretary determines to be appropriate.
(2) The Secretary of Transportation shall complete the review of the plans required under paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans not later than 45 days after the date on which each such plan is submitted by Amtrak.
(2) INCOMPLETE PLANS.—If the Secretary determines that a plan is incomplete or deficient—
(A) the Secretary shall notify Amtrak of the incomplete items or deficiencies; and
(B) not later than 30 days after receiving the Secretary’s notification under subparagraph (A), Amtrak shall submit a modified plan for the Secretary’s review.
(3) REVIEW OF MODIFIED PLANS.—Not later than 15 days after receiving additional information required by the plan as modified, the Secretary shall—
(A) approve the modified plan; or
(B) if the Secretary finds the plan is still incomplete or deficient—
(i) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that identifies the portions of the plan the Secretary finds incomplete or deficient;
(ii) approve all other portions of the plan;
(iii) obligate the funds associated with those approved portions and
(iv) execute an agreement with Amtrak not later than 15 days thereafter on a process for resolving the remaining portions of the plan.
(4) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary of Transportation may take into account the need for the timely completion of all portions of the tunnel projects described in subsection (a) when—
(A) the consideration of which rail carriers other than Amtrak use the tunnels;
(B) the feasibility of seeking a financial contribution from those other rail carriers;
(C) obtaining financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use of the tunnels, if feasible.
(8) MEMORANDUM OF AGREEMENT.—(a) MEMORANDUM OF AGREEMENT.—Not later than 15 days after the enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute a memorandum of agreement governing the submission of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters. The departments will follow to promote communications, efficiency, and nonduplication of effort.
(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking “railroad safety” and inserting “railroad safety, including security.”
(9) AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.
(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:
“$24316. Plans to address needs of families of passengers involved in rail passenger accidents.
“(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Rail Safety Act of 2006, Amtrak shall submit to the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.
“(b) SUBMISSION OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:
“(1) A process by which Amtrak will maintain, and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The list shall be provided with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.
“(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after an accident occurs, and for providing staff, to handle calls from the families of the passengers.
“(3) A process for notifying the families of the passengers involving any public notice of the names of the passengers, by suitably trained individuals.
“(4) A process for providing the notice described in paragraph (3) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).
“(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak’s control; that any possession of the passenger within Amtrak’s control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak’s control will be retained by the rail passenger carrier for at least 18 months.
“(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.
“(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.
“(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Homeland Security, and the Secretary of Transportation shall not release to any person information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.
“(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak’s conduct.
“(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.
“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.”.
(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:
“Sec. 24316. Plans to address needs of families of passengers involved in rail passenger accidents.”
(10) SYSTEMWIDE AMTRAK SECURITY UPGRADES.
(a) IN GENERAL.—Subject to subsection (c), the Under Secretary may award grants, through the Secretary of Transportation, to Amtrak—
(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, D.C.;
(2) to secure Amtrak trains;
(3) to secure Amtrak stations;
(4) to obtain a wide area identification system approved by the Under Secretary;
(5) to obtain train tracking and interoperable communications systems that are compatible to the maximum extent possible;
(6) to hire additional police and security officers, including canine units; and
(7) to expand emergency preparedness efforts.
(b) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak for projects under subsection (a) unless—
(1) the projects are contained in a systemwide security plan approved by the Under Secretary, in consultation with the Secretary of Transportation;
(2) capital projects meet the requirements under section 406(e)(2); and
(3) the plan includes appropriate measures to address security awareness, emergency response, and passenger evacuation training.
(c) EQUIVALENT GEOGRAPHIC ALLOCATION.—The Under Secretary shall ensure that, subject to meeting the highest security needs on Amtrak’s entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized under this section.
purposes of carrying out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 11. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Under Secretary may award grants to freight railroads, railroads, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security threats, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of cargo or passenger screening equipment at the international border, United States and Mexico or the international border between the United States and Canada;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars, tank cars, and high hazmat materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required under section 406(c), including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants awarded under this section are expended in accordance with the purposes, evaluation criteria, and other criteria developed by the Under Secretary.

(c) EQUITABLE ALLOCATION.—The Under Secretary shall equitably distribute the funds authorized by this section, taking into account geographic location, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for passenger rail security, the Under Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers and intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation shall require that all funds appropriated pursuant to this subsection (a) unless Amtrak meets the conditions set forth in sections 410(b) and 501(b).

(e) ALLOCATION BETWEEN RAILROADS AND OTHER RECIPIENTS.—The Under Secretary determines, as a result of the assessment required by section 402(b), that critical rail transportation security needs require reimbursement in greater or lesser proportions to any eligible entity, a grant may not be awarded under this section—

(1) in excess of $65,000,000 to Amtrak; or

(2) in excess of $100,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) HIGH HAZARD MATERIALS DEFINED.—In this section, the term ‘high hazard materials’ means poison inhalation hazard materials, class 2.1 gases, class 6.1 materials, and anhydrous hydrogen peroxide.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary $350,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 and 2009, to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 12. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Transportation may use not more than 0.5 percent of the amount appropriated under this section to Amtrak for capital projects under this title—

(1) to enter into contracts for the review of proposed capital projects and related program management plans; and

(2) to oversee construction of such projects.

(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) to—

(1) make contracts for safety, procurement, management, and financial compliance reviews and audits of the recipient of amounts under subsection (a).

(c) PROCEDURES FOR GRANT AWARD.—The Under Secretary shall prescribe procedures and schedules for awarding grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Under Secretary. The Under Secretary shall issue a final rule establishing the procedures not later than 90 days after the date of the enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary $50,000,000 in each of fiscal years 2007 and 2008 to carry out the purposes of this section. Amounts appropriated pursuant to this section shall remain available until expended.

SEC. 13. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Under Secretary, in conjunction with the Secretary of Transportation, shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with equipment; and

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car and transmit information about the integrity of tank cars to the train crew;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 411(g));

(C) technologies to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety;

(D) other projects recommended in the report required under section 402;

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Under Secretary shall ensure that the research and development program under this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Under Secretary shall carry out any research and development project authorized under this section through a reimbursable agreement with the Secretary of Transportation if the Secretary—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this title are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Under Secretary.

SEC. 14. WELDED RAIL AND TANK CAR SAFETY IMPROVEMENTS.

(a) TRACK STANDARDS.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Railroad Administration shall—

(1) require each track owner using continuous welded rail to include procedures for the identification in rail joint bar inspection procedures for the identification in rail joint bars in the procedures filed with the Administration under section 213.119 of title 49, Code of Federal Regulations;

(b) INSTRUCT ADMINISTRATION TRAIN INSPECTORS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall instruct Administration train inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors’ areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(3) establish a program to—

(A) periodically review continuous welded rail joint bar inspection data from railroads and Administration train inspectors; and

(B) require railroads to increase the frequency or improve the method of inspection of joint bars in continuous welded rail, if the Administrator determines that such increase or improvement is necessary or appropriate.

(b) TANK CAR STANDARDS.—The Administrator of the Federal Railroad Administration shall—

(1) not later than 1 year after the date of the enactment of this Act, establish a rule-making to develop and implement appropriate design standards for pressurized tank cars.

(c) OLDER TANK CAR IMPACT RESISTANCE ANALYSIS AND REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the Federal Railroad Administration shall—

(1) conduct an impact resistance analysis to determine the impact resistance of the steels in the shells of pressure tank cars constructed before 1989; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes recommendations for measures to eliminate or mitigate the risk of catastrophic failure.
SEC. 15. NORTHERN BORDER RAIL PASSENGER REPORT.

Not later than 180 days after the date of the enactment of this Act, the Under Secretary, in consultation with the heads of other appropriate Federal departments and agencies and the National Railroad Passenger Corporation, shall submit a report to the Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(1) a description of the current system for preclearance of airline passengers traveling between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers of the Canadian and the Government of the United States outlined in the “Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States”, dated April 2, 2003;

(3) a description of legislative, regulatory, budgetary, or policy barriers within the United States government to providing precleared passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(4) a description of the position of the Governor of Canada and relevant Canadian agencies with respect to preclearance of such passengers; and

(5) a draft of any changes in existing Federal law necessary to provide for preclearance of such passengers and precleared passenger lists to the Department of Homeland Security.

SEC. 16. REPORT REGARDING IMPACT ON SECURITY OF TRAIN TRAVEL IN COMMUNITIES WITHOUT GRADE SEPARATION.

(a) STUDY.—The Secretary of Homeland Security, in consultation with State and local government officials, shall conduct a study on the impact of blocked highway-railroad grade crossings on the ability of emergency responders, including ambulances and police, fire, and other emergency vehicles, to perform public safety and security duties in the event of a terrorist attack.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

(1) the findings of the study conducted under subsection (a); and

(2) recommendations for reducing the impact of blocked crossings on emergency response.

SEC. 17. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following:

“(a) DISCRIMINATION AGAINST EMPLOYEE.—A railroad carrier engaged in interstate or foreign commerce may not discharge an employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee) took an action that is provided for in this section if the action was taken to protect or further the following:

(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a perceived threat to security;

(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a perceived threat to security;

(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

“(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 151). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under such section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after the filing date. If the violation is a form of discrimination that does not involve discharge, suspension, or other action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

“(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in subsection (b)(2)(B), including the burdens of proof, applies to any complaint brought under this section.

“(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

“(e) DISCLOSURE OF IDENTITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section without the written consent of the employee.

(2) ENFORCEMENT.—The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) if the matter is referred to the Attorney General for enforcement.

“(f) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20115 the following:

“Sec. 20116. Whistleblower protection for rail security matters.”.

SA 4923. Mr. ISAKSON 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:

SEC. 3. CARGO SCREENING.

(a) RADIATION RISK REDUCTION.—The Secretary of Homeland Security shall make every effort to protect maritime workers and the general public by reducing exposure to ionizing and non-ionizing radiation to the lowest levels feasible while conducting cargo screening activities.

(b) GOVERNMENT RESPONSIBILITY.—

(1) INDENTIFICATION.—Any person who is injured by ionizing or non-ionizing radiation resulting from cargo screening conducted pursuant to Federal law may bring a claim for such injury against the employer of such person under Federal or State law if the employer was not the operator of the cargo screening equipment.

(2) SAVINGS PROVISION.—Nothing in this subsection shall be construed to limit the liability of, or create liability for, any third party other than employers.
MILITARY PERSONNEL, MARINE CORPS
For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–37, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $3,739,862,000.

RESERVE PERSONNEL, NAVY
For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under sections 12211, 10305, and 3038 of title 10, United States Code, or while serving on active duty under sections 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12301(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,769,676,000.

RESERVE PERSONNEL, MARINE CORPS
For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 12211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12301(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code, and for payments to the Department of Defense Military Retirement Fund, $3,269,255,000.

TITLE II
OPERATION AND MAINTENANCE
OPERATION AND MAINTENANCE, ARMY
For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for the operation and maintenance, in support of the Army, of $3,230,180,000.

OPERATION AND MAINTENANCE, NAVY
For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,129,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for the operation and maintenance, in support of the Navy and Marine Corps, of $2,537,763,000.

OPERATION AND MAINTENANCE, MARINE CORPS
For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, of $3,739,862,000.

OPERATION AND MAINTENANCE, AIR FORCE
For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for the operation and maintenance, in support of the Air Force, of $3,053,427,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)
For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, of $79,193,752,000:

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, of $79,193,752,000:

NATIONAL GUARD PERSONNEL, ARMY
For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12422 of title 10 or section 12301(d) of title 10, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12301(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,258,080,000.

NATIONAL GUARD PERSONNEL, AIR FORCE
For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10302, or 12422 of title 10 or section 502(f) of title 32, United States Code, or while serving on duty under section 12301(d) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,369,255,000.

OPERATION AND MAINTENANCE, ARMY RESERVE
For expenses, not otherwise provided for, necessary for the operation and maintenance, including recruiting, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, of $1,548,279,000.

OPERATION AND MAINTENANCE, NAVY RESERVE
For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, of $1,275,764,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE
For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, of $2,263,300,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD
For expenses, not otherwise provided for, necessary for the operation and maintenance, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repair of public works and buildings; purchase of supplies; and communications, of $1,435,441,000.
expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; and for the purpose of supplying and equipping the Army National Guard as authorized by law; for repair, modification, maintenance, and procurement of aircraft, ground and weapon components, and weapon-related technology and expertise, and for defense and military construction projects, $4,655,565,000.

Operation and Maintenance, Air National Guard

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, modification, and repair of facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,908,392,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $11,721,000, of which not to exceed $5,000 may be used for official representation purposes.

Environmental Restoration, Army

For the Department of the Army, $313,794,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Navy

For the Department of the Navy, $328,790,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Air Force

For the Department of the Air Force, $423,871,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $18,431,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, or to the Army National Guard as authorized by law; expenses in non-Federal hospitals; maintenance, repair, modification, and modernization of aircraft, including ordnance, ground handling, spare parts, and accessories provided under the heading, $4,655,565,000.

For the Army, $11,721,000, of which not to exceed $5,000 may be used for official representation purposes.

For the Department of the Navy, $304,409,000, to remain available until September 30, 2008.

For the Department of the Army, $413,794,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES (INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $328,790,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

For the Department of the Navy, $304,409,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC ASSISTANCE

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), $63,204,000, to remain available until September 30, 2008.

FMR SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical, and biological weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for military contacts, $37,128,000, to remain available until September 30, 2009.

PRODUCTION OF AMMUNITION, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling, spare parts, and accessories provided under the heading, $1,948,489,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories thereof; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,334,729,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling, spare parts, and accessories provided therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,948,489,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of missiles, equipment, including ordnance, ground handling, spare parts, and accessories provided under the heading, $1,948,489,000, to remain available for obligation until September 30, 2009.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, non-tactical, and transportation types; the purchase of passenger motor vehicles for replacement only; and the purchase of 3 vehicles.
required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories thereof; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, $7,841,879,000, to remain available for obligation until September 30, 2009.

**AIRCRAFT PROCUREMENT, NAVY**

For construction, procurement, production, modification, and modernization of aircraft, equipment, and accessories thereof; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, $7,841,879,000, to remain available for obligation until September 30, 2009.

**PROCUREMENT OF AMMUNITION, NAVY**

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories thereof; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2584 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $10,135,249,000, to remain available for obligation until September 30, 2009.

**PROCUREMENT OF AMMUNITION, AIR FORCE**

For construction, procurement, production, and modernization of ammunition, and accessories thereof; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2584 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,731,831,000, to remain available for obligation until September 30, 2009.

**PROCUREMENT, MARINE CORPS**

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, and other materials, and accessories thereof; plant equipment, appliance, and special purpose equipment; and landing craft; vessels; for the Marine Corps; $1,046,802,000, to remain available for obligation until September 30, 2009.

**PROCUREMENT, DEFENSE-WIDE**

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, including ammunition facilities, authorized by section 2584 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $15,510,286,000, to remain available for obligation until September 30, 2009.

**AIRCRAFT PROCUREMENT, AIR FORCE**

For construction, procurement, production, and modification of aircraft and equipment, including armament, material, and supplies, and related equipment, including spare parts and accessories thereof, specialized equipment and training devices, expansion of public and private plants, including land necessary therefor, for the foregoing purposes, $8,722,744,000, to remain available for obligation until September 30, 2009.

**MISSILE PROCUREMENT, AIR FORCE**

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories thereof, ground handling equipment, and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2584 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title; reserve plant and Government and contractor-owned equipment layaway, $9,475,000,000, to remain available for obligation until September 30, 2009.
For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $470,000,000, to remain available for obligation until September 30, 2009: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard components.

DEFENSE PRODUCTION ACT PURCHASES
For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $68,884,000, to remain available until expended.

TITLE IV
RESEARCH, DEVELOPMENT, TEST AND EVALUATION
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY
For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,245,040,000, to remain available for obligation until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR Force
For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,064,000,000, to remain available for obligation until September 30, 2008: Provided, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE
For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $23,974,081,000, to remain available for obligation until September 30, 2008.

DEFENSE HEALTH PROGRAM
For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $21,409,863,000, of which $20,544,605,000 shall be for Operation and maintenance, and of which up to $10,887,784,000 may be available for contracts entered into under the TRICARE program; of which $397,355,000, to remain available for obligation until September 30, 2009, shall be for Medicare: Provided, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract; Further provided, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements and that such an acquisition must be made in order to acquire capability for national security purposes.

PENTAGON RESERVATION MAINTENANCE FUND, NAVY
For the Pentagon Reservation Maintenance Revolving Fund, $18,500,000, to remain available until September 30, 2011.

OTHER DEPARTMENT OF DEFENSE PROGRAMS
DEFENSE HEALTH PROGRAM
For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $21,409,863,000, of which $20,544,605,000 shall be for Operation, and of which up to $10,887,784,000 may be available for contracts entered into under the TRICARE program; of which $397,355,000, to remain available for obligation until September 30, 2009, shall be for Medicare: Provided, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract; Further provided, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements and that such an acquisition must be made in order to acquire capability for national security purposes.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND
For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level, which shall remain available until September 30, 2009, shall be for Procurement.

TITLIVE RELATED AGENCIES
CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND
For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level, which shall remain available until September 30, 2009, shall be for Procurement.
SEC. 8001. No part of any appropriation contained in this Act shall be made for public or propaganda purposes not authorized by Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

SEC. 8003. That no part of the funds in this Act shall be available to prepare or present a request to the Secretary of Defense, the Office of Management and Budget, except that salary increases granted to direct and indirect hire foreign nationals of the Department of Defense funded by this Act shall be made prior to June 1, 2006.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers’ Training Corps.

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the interest of national defense, he may, upon approval of the Office of Management and Budget, transfer not to exceed $4,500,000,000 of working capital funds of the Department of Defense or funds of the Armed Forces of the United States to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used to increase the priority of higher priority items based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, or to convert to contractor performance an activity or purpose of higher priority items based on unforeseen military requirements, than those for which originally appropriated and in no case wherever the item for which reprogramming is requested by the Congress: Provided further, That a request for multiple reprogramming of funds using authority provided in this section must be made prior to June 30, 2006: Provided further, That transfers of military personnel shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense shall not be required to be maintained in such funds on the date of enactment of this Act unless in the case of any such fund:

(a) the Secretary of Defense has submitted to Congress a request for full funding of units to be procured under such fund: Provided further, That transfers of military personnel shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(b) such transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the Foreign Currency and Foreign Credit Accounts: Provided further, That such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. In excess in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program based on the calendar basis, unless five days in session in advance to the congressional defense committees.

SEC. 8008. No funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have notified the Secretary of Defense that such action is beneficial to the interests of the United States: Provided, That such authority to transfer may be made between such funds:

(a) the Secretary of Defense has notified the Congress of the proposed transfer. Provided, That such authority to transfer may be made between such funds:

(b) the Secretary of Defense has notified the Congress of the proposed transfer.

SEC. 8009. None of the funds appropriated by this Act shall be available to initiate: (a) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have notified the Secretary of Defense that such action is beneficial to the interests of the United States: Provided, That such authority to transfer may be made between such funds:

(a) the Secretary of Defense has notified the Congress of the proposed transfer. Provided, That such authority to transfer may be made between such funds:

(b) the Secretary of Defense has notified the Congress of the proposed transfer.

SEC. 8010. During fiscal year 2007, the civilian personnel of the Department of Defense which are managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as any previously authorized by law for civilian employees of the Department of Defense funded by this Act, shall not be available to initiate multiyear contracts for the economic order quantity procurement:

SEC. 8011. None of the funds appropriated by this Act shall be used for publicity or propaganda purposes not authorized by Congress.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when spent as a full-time student.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACT PERFORMANCE— None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a competitive contract that is most efficient and cost effective organization plan developed by such activity or function;
(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—
(A) 10 percent of the most efficient organization’s costs for performance of that activity or function by Federal employees; or
(B) $10,000,000; and
(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—
(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract;
(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium costs of the plan than those available to the workers who are to be employed in the performance of the activity or function by Federal employees;
(C) offering to such workers a retirement benefit that is less generous than that available to the workers who are to be employed in the performance of the activity or function by Federal employees; or
(D) offering to such workers a retirement benefit plan that includes only annuity benefits.

SEC. 8008. None of the funds available to the Department of Defense may be used to demilitarize or dispose of—
(I) any rifle, .22 caliber rifles, .30 caliber rifles, .44 caliber carbines, M-14 rifles, M-16 rifles, M-16A2 rifles, M-16A3 rifles, M-249 light machine guns, 50 caliber machine guns, or 105 millimeter howitzers that are considered to be manufactured in the United States;
(II) any .50 caliber machine gun or 14.5 millimeter gun that is generally known as a suppressor or silencer that is considered to be manufactured in the United States;
(III) a weapon or weapon system that is generally known as a host-age artillery weapon system or unit that is considered to be manufactured in the United States;
(IV) any weapon or weapon system that is generally known as a recoilless weapon or weapon system that is considered to be manufactured in the United States;
(V) any weapon or weapon system that is generally known as a rocket or rocket system that is considered to be manufactured in the United States; or
(VI) any weapon or weapon system that is generally known as a voyager or weapon system that is considered to be manufactured in the United States.

SEC. 8009. None of the funds appropriated or made available in this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such activity or 36 months after initiation of such study for a multi-function activity.

SEC. 8010. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such activity or 36 months after initiation of such study for a multi-function activity.

SEC. 8011. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such activity or 36 months after initiation of such study for a multi-function activity.

SEC. 8012. None of the funds appropriated by the Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such activity or 36 months after initiation of such study for a multi-function activity.

SEC. 8013. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such activity or 36 months after initiation of such study for a multi-function activity.

SEC. 8014. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such activity or 36 months after initiation of such study for a multi-function activity.

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program development assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in such Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of—
(I) any weapon or weapon system that is generally known as a howitzer that is considered to be manufactured in the United States;
(II) any weapon or weapon system that is generally known as a recoilless weapon or weapon system that is considered to be manufactured in the United States;
(III) any weapon or weapon system that is generally known as a rocket or rocket system that is considered to be manufactured in the United States;
(IV) any weapon or weapon system that is generally known as a voyager or weapon system that is considered to be manufactured in the United States; or
(V) any weapon or weapon system that is generally known as a weapon or weapon system that is considered to be manufactured in the United States.
such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection be allowed travel expenses for the purpose of participating in the site visit or other functions conducted under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2007 may be used for a defense FFRDC, through a fee or other payment mechanism, for construction or renovation of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of costs, or for any charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2007, not more than 5,317 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this fiscal year restriction shall not apply to staff years funded in the National Intelligence Program (NIP).

(e) The Secretary of Defense shall, with the submission of the department’s fiscal year 2008 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during other applicable fiscal years.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for defense FFRDCs is hereby reduced by $53,200,000.

SEC. 8027. None of the funds appropriated or made available in this Act shall be used to procure construction or rehabilitation of any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction, by submitting a written statement to the appropriate congressional defense committees, that it is in the national defense interest to proceed with the construction or rehabilitation of such facility or property, that the national defense interest can only be served by the construction or rehabilitation of such facility or property, and that such construction or rehabilitation is necessary to meet the defense needs of the United States.

SEC. 8028. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Appropriations Committee of the House of Representatives, the Senate Appropriations Committee, the Committee on Appropriations of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Committee on Defense of the Appropriations Committee of the House of Representatives.

SEC. 8029. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, ships, and other defense articles, as well as the construction of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power delegated by the Secretary of Defense, shall submit to the appropriate congressional defense committees for their review and consideration, any requests for modification, depot maintenance and repair of aircraft, ships, and other defense articles, as well as the construction of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power delegated by the Secretary of Defense, shall submit to the appropriate congressional defense committees for their review and consideration, any requests for modification, depot maintenance and repair of aircraft, ships, and other defense articles, as well as the construction of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms.

SEC. 8030. (a) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a contract or subcontract which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain products in that country, the Secretary of Defense may waive the Buy American Act for contract or subcontract in this paragraph (1) that has been determined to violate the terms of the agreement described in paragraph (2).

(b) The Secretary of Defense shall not make available in this Act for covert action programs authorized by the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year 2008 procurement appropriation and not in the supply management business area or services category of the Defense Working Capital Funds.

SEC. 8031. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall be used to purchase items having an investment of Defense for operation and maintenance spending, or any other purpose.

SEC. 8032. During the current fiscal year, the Secretary of Defense may be used to purchase items having an investment of Defense for operation and maintenance spending, or any other purpose.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made for the Department of Defense for procurement.

(b) The fiscal year 2008 budget request for the Department of Defense as well as all justification material and other documentation supporting the department’s fiscal year 2008 defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a defense budget requested in this Act shall be budgeted for in a proposed fiscal year 2008 procurement appropriation and not in the supply management business area or services category of the Department of Defense Working Capital Funds.

SEC. 8036. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which remain available until September 30, 2008: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947 (50 U.S.C. 413 note), shall remain available until September 30, 2008.

SEC. 8037. Notwithstanding any other provision of law, funds made available in this Act for programs of the Central Intelligence Agency shall remain available until September 30, 2008.

SEC. 8038. Of the funds appropriated to the Department of Defense under the heading “Operation and Maintenance, Defense-Wide”, not less than $10,000,000 shall be made available for the purpose of mitigating, on Indian lands resulting from Department of Defense activities, the direct and indirect impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8039. None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act and any other applicable Federal laws.

SEC. 8040. None of the funds appropriated by this Act may be used for the construction, alteration, or repair of a building, or for the acquisition of real property, in the District of Columbia.

SEC. 8041. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used for—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters located in the District of Columbia to any other headquarters.

(b) The Secretary of Defense or the Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines that the waiver is in the national interest.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8042. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available by this Act for the purposes of the Office of Economic Adjustment of the Department of Defense Appropriations Act of 2006.

SEC. 8043. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are rescinded from the following accounts and programs in the specified amounts:

(a) Other Procurement, Army, 2006/2008, $20,000,000;

(b) Aircraft Procurement, Navy, 2006/2008, $40,700,000;

(c) Shipbuilding and Conversion, Navy, 2006/2010, $220,000,000;

(d) Aircraft Procurement, Air Force, 2006/2008, $141,100,000;

(e) Missile Procurement, Air Force, 2006/2008, $100,000,000;

(f) Other Procurement, Air Force, 2006/2008, $25,000,000;

(g) Research, Development, Test and Evaluation, Navy, 2006/2007, $27,282,000;

(h) Research, Development, Test and Evaluation, Air Force, 2006/2007, $100,000,000;

(i) Aircraft Procurement, Air Force, 2005/2007, $107,200,000;


SEC. 8044. None of the funds available in this Act may be used to reduce the authorized position for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless the reduction results in a direct result of a reduction in military force structure.

SEC. 8045. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People’s Republic of Korea unless specifically appropriated for that purpose.

SEC. 8046. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be paid under any appropriation for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program.

SEC. 8047. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the levels specified in section 1003, 1004, 1005, 1006, and 1007, level I, of the National Defense Authorization Act for Fiscal Year 2003, as amended.

SEC. 8048. Notwithstanding any other provision of law, that the Secretary of Defense may waive the requirements of section 381(d) of title 10, United States Code, which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, a person who is a resident of such State and who, in the case of any contract for the current fiscal year may be obligated or expended, to transfer to another nation or an international organization any defense articles or services to be transferred.

SEC. 8051. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability that is not available from United States manufacturers.

SEC. 8052. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year and hereafter for construction or service performed in whole or in part in a State (as defined in section 101 of title 10, United States Code) which is not contiguous with another State and that is a covered contract, as defined by section 412 of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8053. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability that is not available from United States manufacturers.

SEC. 8054. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES. Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) that are not explicitly authorized by the Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing for additional appropria-

(b) COVERED ACTIVITIES. This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution;

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUISITE NOTICE. A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred;

(2) A statement of the value of the equipment, supplies, or services to be transferred.
(3) In the case of a proposed transfer of equipment or supplies—
   (A) a statement of whether the inventory requirements of all elements of the Armed Forces (including equipment, avionics, and the type of equipment or supplies to be transferred have been met; and
   (B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8056. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs incurred that are paid by the contractor to an employee when—
   (1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee, and
   (2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8057. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” may be transferred or made available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of personnel assigned or detailed to perform support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8058. (a) Notwithstanding any other provision of law, funds available to the Department of Defense may be used to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense may be used to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military operation.

(b) Provided, That the funds made available in this Act may be used to approve or license the sale of the F-22A advanced tactical fighter to any foreign government.

SEC. 8063. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country such limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that foreign country would not be consistent with the national security interests of the United States.

(b) Subsection (a) applies with respect to—
   (1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and
   (2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option is exercised within 120 days after the date of the enactment of this Act; and

SEC. 8064. (a) PROHIBITION.—None of the funds made available by this Act may be used to procure equipment, supplies, or services for any training program that provides instruction or training on national security affairs that is not conducted for the Department of Defense.

(b) The prohibition in subsection (a) does not apply to the use of funds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arrangements made for the purpose of conducting official Department of Defense business.

SEC. 8068. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after the enactment of this Act and thereafter every 90 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees that it is in the national interest to do so.

SEC. 8069. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after the enactment of this Act and thereafter every 90 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees that it is in the national interest to do so.

SEC. 8070. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS
With DOD Chief Information Officer.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including financial management information technology system funded by the Department of Defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered registered with that official if the system has been furnished to that official notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe, including the system's financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Secretary of Defense certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include a statement confirming that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:—

(1) The term ‘‘Chief Information Officer’’ means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to the section 3596 of title 41, United States Code.

(2) The term ‘‘information technology system’’ has the meaning given the term ‘‘information technology system’’ in the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8071. During the current fiscal year, none of the funds available to the Department of Defense and provided to the Indian Health Service to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority.

SEC. 8072. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard on full time National Guard duty under section 502(f) of title 32 may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8073. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ‘‘armor penetrator’’, ‘‘armor piercing (AP)’’, ‘‘armor piercing incendiary (API)’’, or ‘‘armor-piercing incendiary-tracer (API-T)’’, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the Secretary of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanently Export of Unclassified Military Articles issued by the Department of State.

SEC. 8074. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the cost of ammunition that otherwise would be required under section 2607 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to acquisition, in accordance with the Department of Defense, the manufacture of ammunition for export pursuant to a License for Permanently Export of Unclassified Military Articles issued by the Department of State.

SEC. 8075. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures military equipment and supplies with nonappropriated funds by a military installation in the United States unless such equipment and supplies are procured under contract with the Secretary of Defense: Provided, That such equipment and supplies may be procured through the nonappropriated funds activity of the Department of Defense under a contract with the Secretary of Defense as the Secretary determines to be necessary: Provided further, That the Secretary of Defense may provide for such indemnification as the Secretary determines to be necessary: Provided further, That such equipment and supplies may be procured under the authority of the Secretary of Defense, in addition to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 330(a)(22) of the Social Security Act (42 U.S.C. 1396d(i)(2)(B))

(b) In carrying out this provision, the Secretary of Defense shall ensure that the Indian Health Service (IHS) has the priority given to the Department of Defense and its twelve special programming areas in distribution of surplus dental and medical supplies and equipment.

SEC. 8080. Amounts appropriated in title II of this Act are hereby reduced by $92,000,000 to reflect savings attributable to efficiencies and the adoption of the Unifying Focus of Missions to allow the military services to improve the quality of their programs or to support other programs.

(1) From ‘‘Operation and Maintenance, Army’’, $5,000,000.

(2) From ‘‘Operation and Maintenance, Air Force’’, $57,000,000.

(3) From ‘‘Operation and Maintenance, Navy’’, $3,000,000.

(4) From ‘‘Operation and Maintenance, Marine Corps’’, $5,000,000.

SEC. 8082. Of the amounts appropriated in this Act for the purpose of providing Arrow missile defense program: Provided, That of this amount, $63,000,000 shall be available for the procurement of Arrow missile component and missile systems in Israel to meet Israel’s defense requirements, consistent with each nation’s laws, regulations and procedures, and $25,000,000 shall be available for the purpose of the initiation of a joint feasibility study designated the Short Range Ballistic Missile Defense (SRBMD) initiative: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment to be used in support of such transfer, to the extent available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided in this Act is in addition to any other transfer authority contained in this Act.
SEC. 8083. Of the amounts appropriated in this Act under the heading “Shipbuilding and Conversion, Navy,” $557,849,000 shall be available until September 30, 2008, to fund new construction and conversion, and $25,000,000 is specifically authorized by the Congress for the purpose of funding shipbuilding cost increases for any ship construction appropriation for the purpose of funding shipbuilding cost increases for any ship construction program, to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred: Provided, That all transfers under this section shall be subject to the notification requirements applicable to transfers under section 8005 of this Act.

SEC. 8084. The Secretary of the Navy may set, or compromise, and pay any and all admiralty claims under section 8622 of title 10, United States Code arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of section 8622 of title 10, United States Code: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8085. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code for occupancies listed in section 7403(a)(2) of title 38, United States Code as follows: Pharmacists, Audiologists, and Dental Hygienists: Provided, That all transfers under this section shall be available to support the administration and execution of the funds under this section.

SEC. 8086. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of the Intelligence Authorization Act for fiscal year 2007.

SEC. 8087. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8088. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Combat System匮乏 war program and resupply vehicle program (NLOS-C) in order to field this system in fiscal year 2010, consistent with the broader plan to field the Future Combat System (FCS) in fiscal year 2010: Provided, That the Army is precluded from building the FCS program by fiscal year 2010, then the Army shall develop the NLOS-C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To: Under the heading “Shipbuilding and Conversion, Navy, 2007/”:

SEC. 8092. Of the amounts appropriated in this Act under the heading “Shipbuilding and Conversion, Navy, 2007/”:

(a) $8,750,000,000 is specifically authorized by the Congress for purposes of section 7403(g)(1)(A) of title 38, United States Code shall apply.

(b) The limitations of section 7403(g)(1)(B) of title 38, United States Code shall not apply.

SEC. 8089. Up to $2,000,000 of the funds appropriated or otherwise made available in title II of this Act is hereby reduced by $85,000,000 to limit excessive growth in the travel and transportation of military personnel: Provided, That these funds shall be available to support the administration and execution of the funds under this section.

SEC. 8090. The budget of the President for fiscal year 2008 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces’ participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, operations, and programs or activities: Provided, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of informal budgeting and planning and financial systems to base operations, a systems analysis and development, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the financial systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense’s Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8091. None of the funds in this Act may be used to pay the expenses of United States Armed Forces or defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation in the education and training of these foreign students.

SEC. 8092. None of the funds appropriated or otherwise made available in this Act shall be used to transfer funds to the 33rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 33rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-mission weather reconnaissance mission.

SEC. 8094. None of the funds provided in this Act shall be available for integration of foreign intelligence intelligence unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8095. None of the funds available to the Department of Defense shall be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of naval forces assigned to the Pacific Fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.
SEC. 8101. For purposes of section 612 of title 41, United States Code, any subdivision of appropriated funds under the heading “Building and Conversion, Navy” that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be closed for the same purpose as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in the current fiscal year or any prior fiscal year.

SEC. 8102. (a) None of the funds appropriated by this Act may be used to transfer research and development, engineering and manufacturing, or other program or activity relating to current tactical unmanned aerial vehicles (TUAV’s) from the Army.

(b) The Army shall maintain the requirement for an operational control of the Extended Range Multi-Purpose (ERMP) Unmanned Aerial Vehicle (UAV) in support to the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8103. Of the funds provided in this Act, $10,000,000 shall be available for the operations and development of training and technology for the Joint Training Standards Center and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland and border security training to the Department of Defense, other Federal agency, and State and local first responder personnel at the Joint Interagency Training Center-East.

SEC. 8104. The authority to conduct a cooperative program in the proviso in title II of Public Law 102–368 under the heading “Research, Development, Test and Evaluation, Navy” (106 Stat. 2121) shall be extended through September 30, 2006.

SEC. 8105. Up to $10,000,000 of the funds appropriated under the heading, “Operation and Maintenance, Navy” may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to conduct Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That the funds for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds made available for this purpose may be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8106. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Armed Forces Reserve component under the Secretary’s jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8107. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions the total amount appropriated in title II of this Act is hereby reduced by $520,300,000, the total amount appropriated in title III of this Act is hereby reduced by $530,000,000, the total amount appropriated in title IV of this Act is hereby reduced by $317,000,000, the total amount appropriated in title V of this Act is hereby reduced by $9,700,000, and the total amount appropriated in title VI of this Act is hereby reduced by $93,700,000: Provided, That the Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, sub-activity group, and each program, project, and activity, within each appropriation account.

SEC. 8108. (a) LIMITATION ON RETIREMENT OF B-52H BOMBER AIRCRAFT. —The Secretary of Defense may not terminate the operations or dispose of the B-52H bomber aircraft in service in the Air Force as of June 1, 2006, until 30 days after the Secretary of the Air Force transmits to the congressional defense committees a report setting forth the assessment of the Secretary regarding the capability of the bomber force structure of the Air Force meeting the requirements of subsection (b).

(b) ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The plan of the Air Force for the modernization of the B-52H bomber aircraft fleet.

(2) The Air Force strategy for the modernization of the balance of the bomber force structure.

(3) The amount and type of bombers in the bomber force structure that is appropriate to meet the requirements of the national security strategy of the United States.

(4) An analysis and justification of the cost and potential risks of the planned modernization of the B-52H bomber fleet as a result of the retirement or dismantlement of the B-52H bomber aircraft covered by the report.

(5) That the assessments for the useful life of each of the bomber aircraft in the Air Force inventory under the Aircraft Structural Integrity Program, any flight restrictions against each of the bomber aircraft in inventory, and an analysis of any funding required for modifications designed to correct a problem that threatens grounding all or a portion of that airframe.

(6) The date by which any new bomber aircraft must reach initial operational capability and the bomber force structure that would be replaced or superseded by any new bomber aircraft.

(7) An assessment of the likelihood that the development of a new bomber aircraft will meet the current schedule of reaching initial operational capability by 2018.

(8) An assessment of the risk to national security of retiring a substantial portion of our bomber fleet, including a consideration of the additional risk if the development of a new bomber aircraft does not meet the current schedule of reaching initial operational capability by 2018.

(c) PREPARATION OF REPORT.—A report under this section shall be submitted to the Congressional Defense Committees by the Secretary of Defense. The report shall be submitted to the Congress in unclassified form, but may include a classification annex.

SEC. 8109. Not later than December 31, 2006, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the assessment of the Secretary regarding the feasibility and desirability of the end of retirement of the B-52H bomber aircraft fleet.

SEC. 8110. Of the amount appropriated or otherwise made available by title III under the heading “OTHER PROCUREMENT, NAVY” up to $2,000,000 may be available for the Virtual Interactive Combat Environment for the New Jersey National Guard.

SEC. 8111. Of the amount appropriated or otherwise made available by title III under the heading “OTHER PROCUREMENT, NAVY”, up to $3,000,000 may be available for the Man Overboard Aid System (MOAS) program.

SEC. 8112. PROHIBITION ON PAYMENT OF AWARD FEES TO DEFENSE CONTRACTORS IN CASES OF CONTRACT NON-PERFORMANCE.—None of the funds available under any appropriation made available by this Act may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract.

SEC. 8113. Of the amount appropriated or otherwise made available by title II under the heading “OCCUPATIONAL AND MAINTENANCE, AIR FORCE”, up to $10,000,000 may be available to provide the United States Northern Command with an interoperable mobile wireless communications system that is capable of communicating with Federal, State, and local authorities.

SEC. 8114. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY”, up to $2,000,000 may be available for the Advanced Airship Flying Laboratory.

SEC. 8115. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY” up to $2,000,000 may be available for support of design enhancements and continued testing of the Parafoil Joint Precision Air Drop System (JPADS) design parachute system for the drop of 5-ton and 15-ton loads to precise locations from high altitude and greater offset distances.

SEC. 8116. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY” up to $2,000,000 may be available for the Asia Pacific Regional Initiative Program for the 50 U.S.C. 1411, in the event a notice on the modification of a contract described in that section is submitted to the Committees on Armed Services of the Senate and the House of Representatives by the Army Contract Adjustment Board during the period beginning on July 28, 2006, and ending on the date of the adjournment of the 109th Congress sine die, such contract may be modified in accordance with such notice commencing on the earlier of—

(1) the date that is 60 calendar days after the date of such notice; or

(2) the date of the adjournment of the 109th Congress sine die.

SEC. 8117. Not later than the 109th Congress sine die. Funds available in this Act, an additional $6,700,000,000 may be available to fund equipment reset requirements resulting from continuing combat operations, including repair, depot, and procurement activities.

SEC. 8118. (a) INTERGENCY AGREEMENTS FOR ACQUISITION OF BOMBER WEAPONS SYSTEMS.—Not later than September 8, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the management of the biometrics program of the Department of Defense.

(b) PRELIMINARY REPORT.—Not later than October 15, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the management of the biometrics program of the Department of Defense.

(c) REPORT ELEMENTS.—Each report under this section shall include, current as of the date of such report, the following:

(1) A detailed description of the recommendations of the Defense Science Board regarding the management of the biometrics program of the Department of Defense.

(2) Such recommendations as the Defense Science Board considers appropriate regarding changes of mission for the existing biometrics support offices.

SEC. 8119. (a) JOINT ADVERTISING, MARKET RESEARCH AND STUDIES PROGRAM.—Of the amount appropriated or otherwise made available by title II under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE”, up to $7,500,000 may be available for the Joint Advertiser Market Research and Studies (JAMRS) program.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the program under this section shall not supplant any other amounts available in this Act for that program.
SEC. 8121. Of the amount appropriated or otherwise made available by title II under the heading “OPERATION AND MAINTENANCE, ARMY”, up to $500,000 may be available for the United States Army Center of Military History to support a traveling exhibit on military experience in World War II.

SEC. 8122. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE”, up to $1,000,000 may be available for environmental management and compliance information.

SEC. 8123. The Secretary of Defense shall submit to the congressional defense committees, at the same time the budget of the President for fiscal year 2007, and otherwise made available by title VI under the heading “EVALUATION, DEFENSE-WIDE”.

SEC. 8124. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY” up to $1,000,000 may be available for an integrated, low-cost, low-power Multimode Side Scan Sonar System for Unmanned Underwater Vehicles (UUVs).

SEC. 8125. Of the amount appropriated or otherwise made available by title III under the heading “PROCUREMENT OF AMMUNITION, AIR FORCE”, up to $5,000,000 may be available for the procurement of Radiation Hardened Microelectronics (HX0000).

SEC. 8126. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE”, up to $4,000,000 may be available for the Transportable Transponder Landing System.

SEC. 8127. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to $6,000,000 may be available for the Advanced Tank Armament Support System for WARFIGHTERS.

SEC. 8128. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY” up to $3,000,000 may be available for the Individual First Aid Kit (IFAK).

SEC. 8129. Of the amount appropriated or otherwise made available by title IV under the heading “DEFENSE HEALTH PROGRAM”, up to $500,000 may be available for a pilot program on troops to nurse team forward deployment of the Department of Defense for the public not later than 48 hours after the submittal of such report to Congress.

SEC. 8130. (a) COVERED REPORTS.—The reports described in this subsection are the reports as follows:

(1) Each report required by a provision of this Act to be submitted by the Department of Defense to the Committees of the Senate and the House of Representatives.

(b) REDUCTION OF CERTAIN INFORMATION.—In posting a report on the Internet website of the Department under section 1105(a) of title 31, United States Code, the Secretary of Defense may redact any information whose release to the public would, as determined by the Secretary, compromise the national security of the United States.

SEC. 8131. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report—

(1) describing risk assessments performed by the Department of Defense on payments made by the Department for travel, as required under section 2 of the Improper Payments Information Act of 2002 (Public Law 107-30); 31 U.S.C. 321 note).

(2) including an estimate, using statistically valid methods, of improper payments for travel that have been identified with implementing such plan.

(3) of an amount, up to $1,500,000 may be available for personnel for that activity.

SEC. 8132. The aggregate amount available in this Act for expenses of the Department of Defense relating to conferences in fiscal year 2007, including a defense system, to receive assistance from the Department shall be submitted to the House of Representatives.

SEC. 8133. Of the amount appropriated or otherwise made available by title IV under the heading “EVALUATION, DEFENSE-WIDE”, up to $1,000,000 may be available for Program Element 0602787A for biological protection research.

SEC. 8134. (a) EARMARK DEFINED.—In this section, the term “earmark” means a provision of law, or a directive contained within a joint explanatory statement or report or other committee directive, included in an act, report, or bill (as applicable), that specifies the identity of an entity, program, project, or service, including a defense system, to receive assistance from the Department.

(b) EARMARK REPORT.—In addition to the reports described in this subsection, the Department shall submit to the Committees of the Senate and the House of Representatives a cost-benefit analysis of significant proposed realignments or transfers of funds made with funds provided by this Act to the congressional defense committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report—

(1) describing risk assessments performed by the Department of Defense on payments made by the Department for travel, as required under section 2 of the Improper Payments Information Act of 2002 (Public Law 107-30); 31 U.S.C. 321 note).

(2) including an estimate, using statistically valid methods, of improper payments for travel that have been identified with implementing such plan.

(3) of an amount, up to $1,500,000 may be available for personnel for that activity.

(4) No funds appropriated or otherwise made available by title IV under the heading “EVALUATION, DEFENSE-WIDE” may be available for an integrated, low-cost, low-power Multimode Side Scan Sonar System for Unmanned Underwater Vehicles (UUVs).

SEC. 8135. Of the amount appropriated or otherwise made available by title IV under the heading “DEFENSE HEALTH PROGRAM” up to $3,000,000 may be available for the Wireless Maritime Inspection System as part of the Smartship Wireless Project of the Navy.

SEC. 8136. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to $5,000,000 may be made available for the Virtual Training and Airspace Management Simulation for Unmanned Aerial Vehicles.

SEC. 8137. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE”, up to $3,000,000 may be available for Small and Medium Caliber Recoil Mitigation Technologies (PE #1160402BB).

SEC. 8138. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to $1,000,000 may be available for the Automated Communications Support System for WARRIORS, Intelligence Community, Linguists, and Analysts.

SEC. 8139. No funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into any agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

SEC. 8140. (a) REPORTS TO CONGRESS AND NOTICE TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall submit to Congress, and post on the Internet website of the Department of Defense available to the public, information as follows:

(1) A description of each earmark of funds made available to the Department of Defense by this Act, including the location (by city, State, country, and congressional district if relevant) of the Department of Defense activity to which it was attributed.

(2) For each earmark, the amount of such earmark, including the amount of such earmark, staff time, administrative expenses, and other costs.

(3) The total cost of administering all such earmarks.

(4) An assessment of the utility of each such earmark in meeting the goals of the Department, set out in a narrative that is available to the public.

(b) EARMARK DEFINED.—In this section, the term “earmark” means a provision of law, or a directive contained within a joint explanatory statement or report or other committee directive, included in an act, report, or bill (as applicable), that specifies the identity of an entity, program, project, or service, including a defense system, to receive assistance from the Department.

SEC. 8141. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to $1,000,000 may be available for Program Element 0602787A for biological protection research.

SEC. 8142. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to $10,000,000 may be available for the Combat Support Hospital-Mobile Support Hospital.

SEC. 8143. Of the amounts available for the activities described on pages 49 through 159 of Volume V, Book I of the Fiscal Year 2007 Congressional Budget Justification Book of the Intelligence Community, up to $8,000,000 may be available for personal protection equipment.

SEC. 8144. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the United States Government for a purpose other than:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource in Iraq.

(3) Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to $10,000,000 may be available for environmental management and compliance information.

(4) Of the amount appropriated or otherwise made available by title III under the heading “EVALUATION, DEFENSE-WIDE”.

(5) Of the amount appropriated or otherwise made available by title IV under the heading “EVALUATION, DEFENSE-WIDE”.

SEC. 8145. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to $10,000,000 may be available for environmental management and compliance information.

SEC. 8146. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to $10,000,000 may be available for environmental management and compliance information.
closures of research and development or test and evaluation installations, activities, facilities, laboratories, units, functions, or capabilities of the Air Force. The analysis shall include an evaluation of potential losses and a consideration of the benefits, costs, risks, and other considerations associated with each such proposed realignment or closure.

(b) Under subsection (a) does not apply to realignment and closure activities carried out in accordance with the final recommendations of the Defense Base Closure and Realignment Commission under the 2005 round of defense base closure and realignment.

SEC. 8149. (a) Of the amount appropriated or otherwise made available by title IV under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE,” up to $2,000,000 may be available for the Office of Economic Adjustment of the Department of Defense to conduct a traffic study on the improvements that are required to be carried out to the transportation infrastructure around Fort Belvoir, Virginia, to accommodate the increase in the workforce located on and around Fort Belvoir resulting from decisions implemented under the 2005 round of defense base closure and realignment. The study shall be carried out by the Department of Transportation and other State and local governments and agencies.

(b) Not later than one year after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the study conducted under subsection (a), including a cost estimate for such study and funding sources, including the Defense Access Road Program, proposed for such improvements.

SEC. 8150. Of the amount appropriated or otherwise made available by title III under the heading “PROCUREMENT, DEFENSE-WIDE,” up to $12,600,000 may be available for the completion of the final phase of the activity described on page 943 of Volume II of the Fiscal Year 2007 Congressional Budget Justification Book of a component of the intelligence community.

SEC. 8151. Of the amount appropriated or otherwise made available by title IV under the heading “DEFENSE-WIDE,” up to $1,809,466,000 may be available for Independent testing of the Joint Improvised Explosion Device Neutralizer, to be used for community-based programs that provide mental health and readjustment assistance to members of the National Guard and Reserve and their families on their return from deployment.

SEC. 8152. Of the amount appropriated or otherwise made available by title III under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY,” up to $5,000,000 may be available for Program Element 0602105A for Thermoplastic Composite Body Armor research.

SEC. 8153. Of the amount appropriated or otherwise made available by title IV under the heading “OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD,” up to $7,500,000 may be available to renovate and repair existing barracks at Camp Pendleton, California.

SEC. 8154. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY,” up to $5,100,000 may be available for Weapons and Munitions Advanced Technology (PE 0603004A) for Advanced Switching and Cooling Concepts for Electromagnetic Gun Application.

SEC. 8155. Of the amount appropriated by title IX under the heading “OPERATION AND MAINTENANCE, ARMY,” up to $5,000,000 may be available for the development of a field-deployable and transportable mental health and readjustment services program for service members and their families.

SEC. 8156. Of the amount appropriated or otherwise made available by title IV under the heading “DEFENSE HEALTH PROGRAM,” up to $3,000,000 may be available to the Navy to fund improvements to physical security at Navy recruiting stations and to improve data security.

SEC. 8160. (a) ADDITIONAL AMOUNT FOR DRUG INTERDICTIO and COUNTER-DRUG ACTIVITIES.—The amount appropriated by title VI under the heading “INTERDICTION AND COUNTER-DRUG ACTIVITIES” is hereby increased by $700,000,000, with the amount of the increase designated as “Drug Interdiction and Countering terrorism activities in Afghanistan, Iraq, and elsewhere.”

SEC. 8161. Of the amounts appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY,” up to $1,284,172,000 may be available to combat the growth of poppies in Afghanistan, to eliminate the production of poppies, and to prevent terrorists from using the proceeds for terrorist activities in Afghanistan, Iraq, and elsewhere.

SEC. 8162. Notwithstanding any other provision of law, the Secretary of Defense may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law.

SEC. 8163. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY,” up to $2,000,000 may be available for independent testing of the Joint Improvised Explosive Device Neutralizer, to be used for community-based programs that provide mental health and readjustment assistance to members of the National Guard and Reserve and their families on their return from deployment.

SEC. 8164. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY,” up to $700,000,000 may be available for the development of a field-deployable and transportable mental health and readjustment service program for service members and their families.

SEC. 8165. Of the amount appropriated or otherwise made available by title IV under the heading “DEFENSE HEALTH PROGRAM,” up to $19,000,000 may be available for the Defense and Veterans Health Systems.

SEC. 8166. Notwithstanding any other provision of law, the Secretary of Defense may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law.

Title IX

Additional Appropriations

Chapter 1

Military Personnel

Military Personnel, Army

For an additional amount for “Military Personnel, Army”, $1,054,502,000.

Military Personnel, Navy

For an additional amount for “Military Personnel, Navy”, $114,500,000.

Military Personnel, Marine Corps

For an additional amount for “Military Personnel, Marine Corps”, $15,420,000.

Military Personnel, Air Force

For an additional amount for “Military Personnel, Air Force”, $129,000,000.

Reserve Personnel, Army

For an additional amount for “Reserve Personnel, Army”, $90,910,000.

Reserve Personnel, Marine Corps

For an additional amount for “Reserve Personnel, Marine Corps”, $15,420,000.

National Guard Personnel, Army

For an additional amount for “National Guard Personnel, Army”, $214,160,000.

Chapter 2

Operation and Maintenance

Operation and Maintenance, Army

For an additional amount for “Operation and Maintenance, Army”, $24,037,232,000.

Operation and Maintenance, Navy

For an additional amount for “Operation and Maintenance, Navy”, $1,284,172,000: Provided, That up to $90,000,000 shall be transferred to the Coast Guard “Operating Expenses” account.

Operation and Maintenance, Marine Corps

For an additional amount for “Operation and Maintenance, Marine Corps”, $1,809,466,000.

Operation and Maintenance, Air Force

For an additional amount for “Operation and Maintenance, Air Force”, $1,940,553,000.

Operation and Maintenance, Defense-Wide

For an additional amount for “Operation and Maintenance, Defense-Wide”, $2,238,189,000 of which up to $700,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key operating nations, for logistical, military, and other support provided, to United States military operations, notwithstanding any other provision of law.
September 8, 2006

Congressional Record—Senate

That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determinations are final, inclusive upon details of the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

Operation and Maintenance, Air Force Reserve
For an additional amount for "Operation and Maintenance, Air Force Reserve", $65,000,000.

Operation and Maintenance, Army National Guard
For an additional amount for "Operation and Maintenance, Army National Guard", $2,033,100,000, which shall be designated as an emergency pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution of the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

Operation and Maintenance, Air National Guard
For an additional amount for "Operation and Maintenance, Air National Guard", $200,000,000.

Iraq Freedom Fund
(Including Transfer of Funds)
For an additional amount for "Iraq Freedom Fund", $50,000,000, to remain available for transfer until September 30, 2008, only to support operations in Iraq or Afghanistan: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the Appropriations Act from which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein to any person, foreign government, or international organization may be credited to this Fund, and used in accordance with the concurrence of the Secretary of State, to the Secretary of Defense to adequately account for the support provided, and such determinations are final, inclusive upon details of the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

Iraq Security Forces Fund
(Including Transfer of Funds)
For the "Iraq Security Forces Fund", $1,400,000,000, to remain available until September 30, 2008: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

Joint Improvised Explosive Device Defeat Fund
(Including Transfer of Funds)
For the "Joint Improvised Explosive Device Defeat Fund", $1,500,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

Joint Improvised Explosive Device Defeat Fund
(Including Transfer of Funds)
For the "Joint Improvised Explosive Device Defeat Fund", $1,500,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

Joint Improvised Explosive Device Defeat Fund
(Including Transfer of Funds)
For the "Joint Improvised Explosive Device Defeat Fund", $1,500,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

Joint Improvised Explosive Device Defeat Fund
(Including Transfer of Funds)
For the "Joint Improvised Explosive Device Defeat Fund", $1,500,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

Joint Improvised Explosive Device Defeat Fund
(Including Transfer of Funds)
For the "Joint Improvised Explosive Device Defeat Fund", $1,500,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

Joint Improvised Explosive Device Defeat Fund
(Including Transfer of Funds)
For the "Joint Improvised Explosive Device Defeat Fund", $1,500,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

Joint Improvised Explosive Device Defeat Fund
(Including Transfer of Funds)
For the "Joint Improvised Explosive Device Defeat Fund", $1,500,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.
For an additional amount for ‘‘Other Procurement, Navy’’, $276,500,000, to remain available until September 30, 2009.

**PROCUREMENT, MARINE CORPS**

For an additional amount for ‘‘Procurement, Marine Corps Air Ground Combat Center, Twentynine Palms’’, $70,100,000, to remain available until September 30, 2009.

**AIRCRAFT PROCUREMENT, AIR FORCE**

For an additional amount for ‘‘Aircraft Procurement, Air Force’’, $720,100,000, to remain available until September 30, 2009.

**MISSILE PROCUREMENT, AIR FORCE**

For an additional amount for ‘‘Missile Procurement, Air Force’’, $25,400,000, to remain available until September 30, 2009.

**PROCUREMENT, DEFENSE-WIDE**

For an additional amount for ‘‘Procurement, Defense-Wide’’, $36,235,000, to remain available until September 30, 2009.

**CHAPTER 4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION**

For an additional amount for ‘‘Research, Development, Test and Evaluation, Navy’’, $110,000,000, to remain available until September 30, 2008.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE**

For an additional amount for ‘‘Research, Development, Test and Evaluation, Air Force’’, $33,064,000, to remain available until September 30, 2008.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE**

For an additional amount for ‘‘Research, Development, Test and Evaluation, Defense-Wide’’, $153,144,000, to remain available until September 30, 2008.

**CHAPTER 5 REVOLVING AND MANAGEMENT FUNDS**

For an additional amount for ‘‘Defense Working Capital Funds’’, $373,474,000.

**CHAPTER 6 RELATED AGENCIES**

For an additional amount for ‘‘Intelligence Community Management Account’’, $219,365,000, to remain available until September 30, 2008: Provided, That $200,000,000 of such funds is available only for a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda: Provided further, That the Secretary of Defense shall not later than 60 days after the date of enactment of this Act, and every 90 days thereafter, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in this Act, including an assessment of the likely current location of terrorist leaders, including Osama bin Laden and other key leaders of al Qaeda, a description of ongoing efforts to bring to justice such terrorists, and a description of the cooperation provided by the governments of any countries assessed as likely locations of top leaders of al Qaeda and by other relevant countries, nations, diplomatic missions, and international organizations, by the United States and other nations, currently being made to cooperate with any such governments, and a description of the status of, and strategy for bringing to justice, perpetrators of terrorism including the top leadership of al Qaeda: Provided further, That the Secretary of Defense shall prepare such reports in consultation with the Directors of the intelligence community officials with regard to funds appropriated under this chapter: Provided further, That the amount provided under this heading is designated as making appropriations for operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 350 (109th Congress) and is designated as an emergency requirement pursuant to section 423 of the National Security Act of 1947 (48 U.S.C. 1103): Provided, That the Secretary of Defense shall, not later than 60 days after the date of enactment of this Act and every 90 days thereafter, submit to the Committee on Foreign Relations of the Senate a classified report on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

**DEPARTMENT OF THE INTERIOR**

For an additional amount for ‘‘Wildland Fire Management’’ under the heading ‘‘DEPARTMENT OF THE INTERIOR’’ of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $100,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 420 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

**DEPARTMENT OF AGRICULTURE**

For an additional amount for ‘‘Wildland Fire Management’’ under the heading ‘‘DEPARTMENT OF AGRICULTURE’’ of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–144), $50,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 420 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

**GENERAL PROVISIONS, THIS TITLE**

**SEC. 9001.** Appropriations provided in this title are available for obligation until September 30, 2007, unless otherwise provided in this title.

**SEC. 9002.** Notwithstanding any other provision of law or of this Act, funds made available in this title are in addition to amounts provided elsewhere in this Act.

**DEPARTMENT OF THE INTERIOR**

**SEC. 9003.** Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer authorized under this section: Provided further, That the authority provided by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and security operations in Afghanistan: Provided, That the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

**SEC. 9007.** Amounts provided in this title for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and security operations in Afghanistan: Provided, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter to the congressional defense committees of any purchase described in this section, including the cost, purposes, and quantities of vehicles purchased.

**SEC. 9008.** During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and security operations in Afghanistan, to support the purposes of Operation Iraqi Freedom, and to fund a similar program to assist the people of Afghanistan.

**SEC. 9009.** Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance may be used, notwithstanding any other provision of law, to support to coalition forces supporting military and security operations in Afghanistan, to support the purposes of Operation Iraqi Freedom, and to fund a similar program to assist the people of Afghanistan.

**SEC. 9010.** (a) Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter through the end of fiscal year 2007, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years, the primary indicators of the security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based groups and encounters.

(B) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi directed efforts.

(D) A description of all militaries operating in Iraq, including the number, size, equipment
strength, military effectiveness, sources of support, legal status, and efforts to disarm or re-integrate each militia.

(E) Key indicators of economic activity that should be most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;
(ii) electricity, water, and oil production rates; and
(iii) hunger and poverty levels.

(F) The estimated total number of insurgents in Iraq and the notional timetable for achieving a sustainable peace in Iraq.

(G) The estimated total number of Iraqi battalions needed to support the Iraqi security forces, and the milestones and notional timetable for achieving this goal.

(H) The effectiveness of the Iraqi military and police forces in sustaining counterinsurgency operations, including the training, strength, size, and organizational structure of Iraqi battalions that are:

(i) capable of conducting counterinsurgency operations independently;
(ii) capable of executing counterinsurgency operations in support of United States or coalition forces;
(iii) not ready to conduct counterinsurgency operations.

(D) The rates of absenteeism in the Iraqi military and police forces and the extent to which insurgents have infiltrated such forces.

(E) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(F) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals, including:

(i) the number of police recruits that have received classroom training and the duration of such instruction;
(ii) the number of veteran police officers who have received field training by international police trainers and the duration of such instruction;
(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates rejected from other entry procedures, and the success rates of those groups of candidates;
(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;
(v) the number of police candidates referred to as the appropriate committees of Congress.

SEC. 9011. Amounts provided in chapters 1 and 2 of this title may be made available only after the Con- gress has provided by law that the amount provided under such chapter—

(a) may be submitted in classified form.

(b) shall be considered the most important for de- signation as an emergency requirement at the discretion of the Secretary of Defense.

(c) is hereby increased by $65,400,000, with the total amount appropriated or otherwise made available by such chapter under the heading "DEFENSE-WIDE" increased by as increased by subsection (b), $20,000,000 may be available:

(1) to assist in the training, supporting, and equipping of the African Union Mission in Sudan (AMIS) to bolster its efforts to protect the civilian population in Darfur;

(2) to facilitate the re-deployment of AMIS forces into the Darfur region as quickly as possible;

(3) to assist and expand the logistics capabilities of the African Union Mission in Sudan (AMIS).

SEC. 9012. (a) ADDITIONAL AMOUNT FOR ARMY NATIONAL GUARD AND MARINE CORPS FOR EQUIPMENT RESET.

(1) Despite the signing of the Darfur Peace Agreement on May 5, 2006, the violence in Darfur, Sudan, continues to escalate and threatens to spread to other areas of Sudan and throughout the region.

(2) The African Union Mission in Sudan (AMIS) currently serves as the primary security force in Sudan, but is undermanned and under-equipped.

(3) Although the United Nations has approved sending a peacekeeping force to Darfur, the Af- rican Union Mission in Sudan (AMIS) will need to expand its manpower and capability in order to assist or serve as a bridge force until the United Nations peacekeeping force can be deployed.

(b) The amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" is hereby increased by $20,000,000.

SEC. 9013. Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD" up to $6,700,000 may be available for the pilot program of the Army National Guard on the reintegra- tion of members of National Guard units into civilian life after deployment.

SEC. 9014. (a) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, ARMY CORPS" up to $9,000,000 may be available for the procurement of hemostatic agents, including blood clotting bandages and invasive hemostatic agents, for use by members of the Armed Forces in the field.

(b) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, MARINE CORPS" up to $2,000,000 may be available for the procurement of hemostatic agents and invasive hemostatic agents enabling blood clotting bandages, for use by members of the Armed Forces in the field.

SEC. 9015. Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD" up to $2,440,000,000 is available for the National Guard for National Guard and Reserve equip- ment. Such amount is in addition to any other amounts available in this title, or under title III under the heading "OTHER PROCUREMENT, ARMY" for National Guard and Reserve equip- ment.

SEC. 9016. (a) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate as an emergency requirement pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 181 (109th Congress) and designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

(b) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, MARINE CORPS" up to $9,000,000 may be available for the procurement of hemostatic agents, including blood clotting bandages and invasive hemostatic agents, for use by members of the Armed Forces in the field.

(c) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD" up to $2,000,000 may be available for the procurement of hemostatic agents and invasive hemostatic agents enabling blood clotting bandages, for use by members of the Armed Forces in the field.

SEC. 9017. (a) Congress makes the following findings:

(1) The Commandant of the Marine Corps has informed the Select Committee on Intelligence that the following unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 181 (109th Congress) and designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), as made applicable to the House of Representa- tives by H. Res. 181 (109th Congress) and designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

(b) The amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" is hereby increased by $20,000,000.

(c) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD" up to $9,000,000 may be available:

(1) to assist in the training, supporting, and equipping of the African Union Mission in Sudan (AMIS) to bolster its efforts to protect the civilian population in Darfur;

(2) to facilitate the re-deployment of AMIS forces into the Darfur region as quickly as possible; and

(3) to assist and expand the logistics capabilities of the African Union Mission in Sudan (AMIS).
Paying Tribute to Reverend Waitstill Sharp and Martha Sharp

Mr. McConnell. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 562, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 562) paying tribute to Reverend Waitstill Sharp and Martha Sharp for their recognition by Yad Vashem Holocaust Martyrs’ and Heroes’ Remembrance Authority as Righteous Among the Nations for their heroic efforts to save Jews during the Holocaust.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McConnell. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 562) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 562

Whereas on June 13, 2006, the Yad Vashem Holocaust Martyrs’ and Heroes’ Remembrance Authority in Israel, an organization dedicated to preserving the memory of Holocaust victims, honored the Reverend Waitstill Sharp and his wife, Martha Sharp, posthumously as “Righteous Among the Nations” for risking their lives to save Jews during the Holocaust;

Whereas the Sharps had to leave their 2-year-old daughter and 6-year-old son in the care of family and congregants in Wellesley, Massachusetts to answer a call from leaders of the American Unitarian Association to go to Czechoslovakia in February 1939 to provide humanitarian assistance for the tens of thousands of refugees crowding into Prague;

Whereas after their arrival in Czechoslovakia, the Sharps were dependent upon a much larger circle of friends and colleagues who maintained thousands of case files for refugees; and

Whereas upon the Sharps’ return in 1940 to neutral Portugal, where throughout World War II Lisbon remained the last hope for refugees seeking safe passage out of Nazi-occupied territory;

Whereas after their arrival in Czechoslovakia, the Sharps immediately grasped that they needed not only to help feed refugees, but also to assist Jews and opponents of the Nazi regime escape to safety elsewhere in Europe;

Whereas the Sharps refused to leave Prague when, in March 1939, a month after the Sharps’ arrival, the Nazis occupied Czechoslovakia, making the Sharps’ work more urgent, more complicated, and more dangerous;

Whereas the Sharps insisted on continuing their liberating mission by working in private residences even after April 1939, when the Nazis ransacked the office of the Unitarian mission in Prague and threw the furniture into the street;

Whereas the Sharps repeatedly risked their own safety to exit and re-enter Nazi-occupied Czechoslovakia, crisscrossed Europe to obtain the necessary passports and visas to help Jews and opponents of the Nazi regime escape Czechoslovakia, and even escorted some refugees by train through Germany to the United Kingdom;

Whereas the Sharps stayed in Czechoslovakia until August 30, 1939, 1 day before German agents came to arrest Martha Sharp, who had become known for her boldness at evading Nazi rules restricting travel;

Whereas upon the Sharps’ return in 1940 to the family and home of the Unitarian Church in Massachusetts, their report to the American Unitarian Association showed the imminence of the Nazis to refugees across Europe led to the Sharps being asked to establish a similar operation in France under the newly founded Unitarian Service Committee;

Whereas the Sharps returned to Europe in 1940 fully aware of the Nazi terror they would face;

Whereas the Sharps had a special interest in saving refugee children, as well as artists, intellectuals, and political dissidents, and the Sharps and the Unitarian colleagues who fought in their footsteps set up systems and escape routes that functioned throughout World War II to assist approximately 2,000 men, women, and children to gain freedom;

Whereas the famous Jewish novelist, Lion Feuchtwanger, who was one of the first Germans to have his citizenship revoked after Hitler came to power and who managed to escape the Gestapo’s “Surrender on Demand” list, was one of the first people the Sharps helped in a dramatic and dangerous escape from France;

Whereas Eva Rosemarie Feigl, who was 14 in December 1940 when Martha Sharp helped her and other children from the United States, provided eye-witness testimony that enabled the Yad Vashem Holocaust Martyrs’ and Heroes’ Remembrance Authority in Jerusalem, Israel, to honor the Sharps as Righteous Among the Nations;

Whereas when the Sharps’ plans to set up the first office of the newly formed Unitarian Service Committee in Paris, France failed as a result of the Nazi occupation of France, the Sharps instead established an operation in neutral Portugal, where throughout World War II Lisbon remained the last hope for refugees seeking safe escape out of Nazi-occupied territory;

Whereas the Sharps recognized that they were dependent upon a much larger circle of friends and colleagues who made their heroic efforts possible, such as the people who cared for the Sharps and the Unitarian colleagues who financed their cause, ministers across the United States who urged their congregations to become sponsors for refugees, and secretaries who volunteered in Europe and the United States to maintain thousands of case files for refugees;

Whereas the Sharps’ efforts resulted not only in the rescue of thousands of people, but in the creation of what is now known as the Unitarian Universalist Service Committee, an institution that multiplied the number of rescues a thousand-fold in the years that followed;

Whereas at the Yad Vashem ceremony that honored the Sharps as Righteous Among the Nations on June 13, 2006, in Israel, officers specially recognized and encouraged going into the heart of Europe when World War II was unfolding and many people were fleeing;

Whereas Martha Marth Marthe Sharp was the first American woman to be named Righteous Among the Nations, and the Reverend Waitstill Sharp...
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Sharp and Martha Sharp were only the second and third individuals named Righteous Among the Nations who were United States citizens at the time they performed the deeds for which they were honored.

Whereas the Sharps’ daughter, Martha Sharp Joukowsky, accepted the Yad Vashem honor on behalf of her parents and remarked that “the modest and ordinary people who responded to the suffering and needs around them...as they would have expected everyone to do in a similar situation”;

Whereas Martha Sharp Joukowsky added that the honor given to her parents is also “the unsung efforts of a much wider circle of people who made their work possible” and that “it is the kind of network that is needed again today to stop the slow genocide in Darfur”;

Whereas Martha Sharp Joukowsky concluded her remarks by saying, “Let this celebration about my parents stand as a call to action”;

Whereas September 8, 2006, marks the second anniversary of the United States Government declaring the violence in Darfur, Sudan to be genocide; and

Whereas the Sharps deserve honor for their example of how to found and support an institution, the Unitarian Universalist Service Committee, that today carries on their work in distant corners of the world and asks for the help of the nations to help save Darfur now: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the Reverend Waitstill Sharp and Martha Sharp as genuine American heroes;

(2) pays tribute to the Reverend Waitstill Sharp and Martha Sharp as their names are added to the Memorial Wall of Rescuers in the permanent exhibition of the United States Holocaust Memorial Museum on September 14, 2006;

(3) commends the organization founded to support the Sharps’ work, the Unitarian Universalist Service Committee, for its efforts to rescue Jews and opponents of the Nazi regime in Europe from 1939 to 1945 and for carrying on the Sharps’ legacy by working to save the lives of the people of Darfur, Sudan and to protect human rights worldwide; and

(4) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Joukowsky family of Providence, Rhode Island, the direct descendants of the Reverend Waitstill Sharp and Martha Sharp, and to the Unitarian Universalist Service Committee of Cambridge, Massachusetts.

National Celiac Disease Awareness Day

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 563, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 563) designating September 13, 2006, as “National Celiac Disease Awareness Day”.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INHOFE. Mr. President, I rise today, along with my colleague, Biz Nelsen, Senator for Minnesota, to designate September 13, 2006, as National Celiac Disease Awareness Day.

We come before the Senate today to seek your help in raising awareness of celiac disease. Celiac disease hits very close to home for me as I have a staffer with the disease and an Oklahoma Celiac Support Group working to promote awareness in my great State. There are many groups and organizations working and we, the Senate, are here to join all their efforts. We would like to give special thanks to Heather Cline, President, with the Oklahoma Celiac Support Group, and Tom Sullivan, President of the United States Holocaust Memorial Museum on September 14, 2006, as National Celiac Disease Awareness Day.

Celiac disease is an autoimmune disorder and a malabsorption disease that affects an estimated 2.2 million Americans which could mean as many as 22,000 in the State of Oklahoma. Celiac disease is, essentially, intolerance to gluten, present in wheat, rye, oats and barley, as well as some medicines and vitamins. When exposed to gluten, the villi of the small intestine are damaged, interfering with the absorption of nutrients. Other problems can occur as a result of damage to the small intestine, including malnutrition, anemia, lymphoma, and adenocarcinoma, osteoporosis, miscarriage and congenital malformation, and short stature.

Celiac disease is also linked to other autoimmune disorders such as type I diabetes, lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis and Sjögren’s syndrome.

Celiac disease has been widely underdiagnosed and misdiagnosed until recently thanks to an increase in researching the disease. It is easily detectable through tests measuring the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase, and IgA anti-endomysium antibodies. Of the 2.2 million Americans who have celiac disease, 97 percent are currently undiagnosed, according to the University of Chicago Celiac Disease Program. Often the symptoms are attributed to other conditions as many doctors lack sufficient knowledge about the disease. In a study published by the American Journal of Gastroenterology, the average length of time for a symptomatic person to be diagnosed with celiac disease is eleven years, dramatically increasing an individual’s risk of developing more serious conditions. To compound the situation, according to a study by Dr. Allesio Fasano, published in the Archives of Internal Medicine, sixty percent of patients diagnosed with celiac disease were asymptomatic.

Whereas celiac disease is diagnosed through tests measuring the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase, and IgA anti-endomysium antibodies.

Whereas celiac disease is treated by following a gluten-free diet;

Whereas damage to the small intestine leads to an increased risk for malnutrition, anemia, lymphoma and adenocarcinoma, osteoporosis, miscarriage and congenital malformation, and short stature;

Whereas celiac disease is linked to many autoimmune disorders, including thyroid disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis, and Sjögren’s syndrome;

Whereas the connection between celiac disease and diet was first established by Dr. Samuel Gee, who was born on September 13, 1839;

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of celiac disease; therefore, be it

Resolved, That the Senate—

(1) designates September 13, 2006, as “National Celiac Disease Awareness Day”;

(2) recognizes that a recent study of the United States should become more informed and aware of celiac disease;
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(3) calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) respectfully requests the Secretary of the Senate to cause a copy of this resolution to the Celiac Sprue Association, the American Celiac Society, the Celiac Disease Foundation, the Gluten Intolerance Group of North America, and the Oklahoma Celiac Support Group.

NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 564 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 564) designating September 10 through September 16, 2006, as “National Polycystic Kidney Disease Awareness Week” and supporting the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease and to foster understanding of the impact polycystic kidney disease has on patients and future generations of their families.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 564) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 564

Whereas polycystic kidney disease (known as “PKD”) is the most prevalent life-threatening genetic disease in the United States, is a severe, dominantly inherited disease that has a devastating impact, in both human and economic terms, on people of all ages, and affects equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas, based on prevalence estimates by the National Institutes of Health, it is estimated that about 600,000 patients in the United States have a genetic inheritance from 1 or both parents called polycystic kidney disease; whereas the vast majority of polycystic kidney disease patients reach kidney failure at an average age of 53, causing a severe strain on dialysis and kidney transplantation sources and on the delivery of health care in the United States, as the largest segment of the population of the United States, the “baby boomers”, continues to age;

Whereas end stage renal disease is one of the fastest growing components of the Medicare care budget, and polycystic kidney disease contributes to that cost by an estimated $2,000,000,000 annually for dialysis, kidney transplantation, and related therapies;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidney and the cardiovascular, endocrine, hepatic, and gastrointestinal organ systems and instills in patients a fear of an unknown future with a life-threatening genetic disease and apprehension over possible genetic discrimination;

Whereas the severity of the symptoms of polycystic kidney disease and the limited public awareness of the disease causes many patients to live in denial and forego regular visits to their physicians or to avoid following good health management which would help avoid more severe complications when kidney failure occurs;

Whereas people who have chronic, life-threatening diseases like polycystic kidney disease have a predisposition to depression (1 times the national average) and its resultant consequences due to their anxiety over pain, suffering, and premature death;

Whereas the Senate and taxpayers of the United States spend $2,000,000,000 annually on treatments and cures for disease and would like to see results from investments in research conducted by the National Institutes of Health and from initiatives as the NIH Roadmap to the Future;

Whereas polycystic kidney disease is a verifiable example of how collaboration, technological momentum, and public-private partnerships can generate therapeutic interventions that directly benefit polycystic kidney disease sufferers, save billions of Federal dollars under Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppression drugs, and related therapies, and make available thousands of patients the option of kidney transplantation waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to the discovery of the 3 primary genes that cause polycystic kidney disease and the 3 primary proteins of the genes and to the understanding of cell structures and signaling pathways that cause cyst growth that ultimately make the polycystic kidney disease clinical drug trials;

Whereas there are thousands of volunteers nationwide who are dedicated to expanding the awareness, research, public awareness and understanding of polycystic kidney disease, educating polycystic kidney disease patients and their families about the disease, to improve their treatment and care, to provide appropriate moral support, and to encourage people to become organ donors; and

Whereas these volunteers engage in an annual national awareness event held during the third week of September and such a week would be the appropriate time to recognize National Polycystic Kidney Disease Week; Now, therefore, be it

Resolved, That the Senate—

(1) designates September 10 through September 16, 2006, as “National Polycystic Kidney Disease Awareness Week”;

(2) supports the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease (known as “PKD”);

(3) recognizes the need for additional research into a cure for polycystic kidney disease; and

(4) encourages the people of the United States and to support National Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities to promote public awareness of polycystic kidney disease and to foster understanding of the impact of the disease on patients and their families.

SUPPORTING AND COMMENDING THE NATIONAL SEXUAL ASSAULT HOTLINE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 537, and the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 537), supporting the National Sexual Assault Hotline and commending the Hotline for counseling and supporting more than 1,000,000 callers.

The PRESIDING OFFICER. There being no objection, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the CONG Rec as if read without further intervening action or debate.

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

The resolution (S. Res. 537) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 537

Whereas it is estimated that a sexual assault occurs every 2.5 minutes in the United States and more than 200,000 people in the United States each year are victims of sexual assault;

Whereas 1 of every 6 women and 1 of every 20 men in the United States have been victimized in rape or attempted rape, according to the Department of Justice;

Whereas the Uniform Crime Reports of the Federal Bureau of Investigation rank rape second only to murder in the hierarchy of violent crimes;

Whereas research suggests that sexual assault victims who receive counseling are more likely to report the assault to the police and to participate in the prosecution of the offender;

Whereas, in June 2006, the National Sexual Assault Hotline (referred to in this preamble as “Hotline”) helped its 1,000,000th caller;

Whereas the Hotline was created by the Rape, Abuse & Incest National Network (referred to in this preamble as “RAINN”), a non-profit corporation, the headquarters of which are located in Washington, D.C.;

Whereas the Hotline answered its first call on July 27, 1994, and operated solely with private funds for the first 10 years the Hotline was in existence;

Whereas RAINN continues to operate the Hotline today, in partnership with 1,100 local Support Groups.
The Hotline helps an average of 11,000 people each month and in 2005 helped 137,039 women, men, and children across the Nation.

In each of the 50 States, more than 1,000,000 callers.

The Hotline serves as an outstanding example of a successful partnership between the Federal Government, the private sector, and individuals.

Resolved, That the Senate—
(1) supports the National Sexual Assault Hotline; and
(2) commends the National Sexual Assault Hotline for counseling and supporting more than 1,000,000 callers.

ABRAHAM LINCOLN COMMEMORATIVE COIN ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2808, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2808) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2808) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR MONDAY, SEPTEMBER 11, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, September 11. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business until 4 p.m.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate resume consideration of H.R. 4954, the port security bill.

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

PROGRAM

Mr. McCONNELL. Today we continued debate on the port security bill. Two amendments are pending and we anticipate additional amendments to be offered on Monday, for a series of votes on Tuesday. Senators should be consulting with the bill managers in order to get their amendments in the queue and to finish this bill, we hope, in short order. While the leader has indicated that we will not have any roll-call votes until Tuesday, we need to continue to move forward on this bill, and Senators are encouraged to offer and debate their amendments on Monday next and early in the week.

Everyone should also remember that Monday will mark the fifth anniversary of the terrorist attack known as 9/11. We will have a bipartisan, bicameral ceremony at 6 p.m. On Monday evening on the East Front of the Capitol at exactly the same time we all joined on the Capitol steps on the evening of 9/11.

All Members obviously are urged to join us and to participate in remembrance of that event on the steps of the Capitol at 6 p.m., September 11, 2001.

ORDER FOR RECORD TO REMAIN OPEN

Mr. McCONNELL. Mr. President, I ask unanimous consent that the RECORD remain open until 3 p.m. for statements.

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

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 11, 2006, AT 2 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:43 p.m., adjourned until Monday, September 11, 2006, at 2 p.m.
TRIBUTE TO DR. SAMUEL J. PRISK

HON. THADDEUS G. McCOTTER
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Friday, September 8, 2006

Mr. MCCOTTER. Mr. Speaker, today I rise to honor and acknowledge the distinguished career of Dr. Samuel J. Prisk, upon attaining the Boy Scouts of America’s prestigious 2006 Silver Buffalo Award.

For nearly six decades, Dr. Prisk has dedicated his life to improving the communities in which he lived. On March 1, 1948, he began his career as a dentist in Livonia, Michigan. From October 1960 until June 30, 1987, he served with distinction as a member and officer of the Clarenceville School Board in Clarenceville, Michigan. To commemorate his commitment to exceptional community service, the Board created the Dr. Samuel J. Prisk Scholarship, an award given to high school students who have excelled in academics, community involvement, school spirit, and attendance.

Since 1986, Dr. Prisk has proudly served on the board of directors of the Methodist Children’s Home Society, a non-profit volunteer-driven agency, which provides foster care, residential care, adoption, and literacy programs for children. During March 2006, he was recognized by the Michigan High School Football Coaches Association with an honorary membership for supporting high school sports for 43 years by providing medical services during games, and gathering the resources necessary to assist aspiring athletes.

For his extraordinary loyalty and invaluable contributions to youth, the Boy Scouts have bestowed upon Dr. Prisk the 2006 Silver Buffalo Award, Scouting’s highest commendation. He has held positions at the national and regional level and served the Boy Scouts Detroit Area Council as council president, council commissioner, council activities chair, council executive committee, district training chair, Scoutmaster, and Webelos leader.

Mr. Speaker, during Dr. Samuel J. Prisk’s laudable career, he has demonstrated exemplary leadership and involvement in local schools, sports teams, and youth agencies. His legendary benevolence has improved the lives of countless children across Michigan. Today, I ask my colleagues to join me in honoring his many years of loyal and dedicated service to our community and our country.

IN RECOGNITION OF MR. MARC C. SAPERSTEIN

HON. STEVEN R. ROTHMAN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Friday, September 8, 2006

Mr. ROTHMAN. Mr. Speaker, I rise to recognize Mr. Marc C. Saperstein, who was elected this past summer as president of the New Jersey Association of Trial Lawyers of America (ATL—NJ). Mr. Saperstein is more than qualified for this distinguished position. He currently practices law at Davis, Saperstein & Salomon, P.C. in Teaneck, New Jersey, which is located in my district.

Mr. Saperstein grew up in New York City. He received his Bachelor of Arts in Economics from Rutgers University in New Brunswick, New Jersey and then completed a Juris Doctorate at Emory University School of Law in 1978. Mr. Saperstein has been admitted to the Bar of New York, New Jersey, Georgia in addition to the U.S. District Court, U.S. Court of Appeals, Second, Third and Fifth Circuits and the United States Supreme Court. He has been admitted as Pro Hac Vice Counsel in various complex litigation matters in the States of California, Florida, Louisiana and West Virginia. More importantly, Marc is a devoted husband to his wife, Shelly, and a caring father to his wonderful children, Gregory and Allison. I am proud to have such an excellent attorney and a fine man representing the New Jersey branch of ATLA.

Mr. Speaker, today I would like to congratulate Mr. Saperstein on his impressive accomplishments and wish him the best of luck in his new position as president of the New Jersey Association of Trial Lawyers of America.

TRIBUTE TO JIM PADILLA

HON. THADDEUS G. McCOTTER
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Friday, September 8, 2006

Mr. MCCOTTER. Mr. Speaker, today I rise to honor and acknowledge Jim Padilla, president and chief operating officer of Ford Motor Company, upon his retirement.

Since Jim first joined Ford in 1966 as a quality-control engineer, he has worked tirelessly to maintain the company’s position as a global leader in automotive quality. In 1976, Jim was promoted to the first of several management roles he would hold in product engineering and manufacturing. He served in a number of senior manufacturing, engineering, and management positions from 1992 to 1996, before being named president of Ford South America operations until 1998. Jim became group vice president of global manufacturing in 1999. He then served as Ford president of the Americas from 2001 to 2002, which is responsible for all operations in the United States, Canada, Mexico, and South America. In April of 2005, Jim was promoted to chief operating officer of Ford Motor Company and chairman of Ford automotive operations. On February 1, 2005, Jim was named president of Ford Motor Company and elected to its board of directors.

For 40 years, Jim’s commitment to quality, environmental consciousness, and innovation has helped keep Ford a premier automotive manufacturer. He is credited with revamping failing sectors of the company, such as the Jaguar automotive line, and with successfully restructuring operations after the breakup of Autolita. A graduate of the University of Detroit-Mercy, he now serves on the university’s board of trustees and has been named a fellow of the National Academy of Engineering.

Mr. Speaker, Jim’s tireless leadership and vision of excellence has revolutionized Ford’s automotive operations for four decades. As he enters the next phase of his life, I ask my colleagues to join me in applauding his achievements and honoring him for his legendary service to our community and our country.

AMERICAN HORSE SLAUGHTER PREVENTION ACT

SPEECH OF

HON. SHEILA JACKSON-LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 7, 2006

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes:

Mr. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of H.R. 503, the American Horse Slaughter Prevention Act.

Mr. Chairman, horses have served humans throughout history, carrying us on their backs to safety, tilling our fields, drawing wagons and carriages across the great plains and grand prairies, enriching our lives as friends and companions. But they have never served the people of the United States as a source of food. Yet today, American horses are being killed so their meat can satisfy the palates of overseas diners in Europe and Asia. Show horses, racehorses, wild horses, family horses can all be destined for the slaughterhouse and exported as foodstuff to foreign lands.

This trade in horsemeat is hidden from most Americans and the industry wants to keep it that way. To quote the operations manager of a horse slaughterhouse located in Canada:

Talking about horses is kind of a scary thing, especially in the West, where people think it’s more of a pet than protein. When anybody starts writing about horses, everybody gets up in arms. Every time we say anything about horse in the paper, there’s always an uproar, so I don’t want to talk about it.

Mr. Chairman, it has been reported that most of the horses that end up being slaughtered are brought in by jobbers who serve as middlemen for the slaughterhouses. These jobbers readily purchase as many horses as possible at livestock auctions around the country and haul them to the plants to be butchered. Many horses are sold at auction by irresponsible owners seeking an easy means...
to dispose of animals they no longer want. Others, however, are consigned by caring owners who simply have no idea of the fate awaiting the animals.

Additionally, hundreds—perhaps thousands—of horses are stolen each year. Horse thieves make fast money by unloading their stolen bounty to jobbers or slaughterhouses, which typically kill and process the animals within 24 hours, making it virtually impossible to trace and recover the stolen animals in time.

Currently, there are foreign-owned slaughterhouses in the United States where danger to human consumption. They are Beltex Corporation in Ft. Worth, Texas; Dallas Crown in Kaufman, Texas and Cavel International in DeKalb, Illinois. According to the U.S. Department of Agriculture, 65,976 horses were slaughtered in 2004, up from 50,564 the previous year. In addition, thousands more horses are transported under deplorable conditions across our borders to Canada and Mexico to face a similar fate.

Conditions of transport can be brutal. It is not unusual for horses to be hauled for more than 24 hours without rest, water or food in trailers that provide little protection from the elements. Many horses—sick, lame, pregnant or blind—are in distress even before being loaded.

Once at the slaughterhouse, the suffering gets worse. Horses are left for long periods in tightly packed trailers, subjected to further extremes of heat and cold. In hot weather, thirst is acute. Downed animals are unable to rise. All the horses are moved off forcibly when it’s time to unload and hurried through the facility into the kill box. In the face of these deplorable conditions, including overcrowding, deafening noise, and the smell of blood, the horses typically become desperate, exhibiting fear typical of “flight” behavior—pacing in prance-like movements with their ears pinned back against their heads and eyes wide open.

Despite the Federal mandate that horses be rendered unconscious before being put to death, many horses are killed alive by repeated blows to the head with captive bolt pistols. While writhing in pain, the coup de grace is administered by a slit of the throat. The dead animal is then processed for shipment overseas and destined for a foreign dining table.

Mr. Chairman, I support this legislation because I do not wish to sanction the abuse of another noble creature of the American West. The magnificent buffaloes that at one time roamed the Great Plains were killed by too many settlers and pioneers for sport when they should have been used the way they were by Native Americans—for food and clothing and fuel. How ironic it is that horses—magnificent, powerful, graceful, and athletic—are being used for food instead of sport and husbandry.

Mr. Chairman, I support H.R. 503 because it bans the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption. This is not a fitting end to the animal that has played such an important role in defining American character and culture. I urge my colleagues to join me in protecting an animal of Americans everywhere. I urge my colleagues to support H.R. 503.

TRIBUTE TO DICK AND GINI BRITTON

HON. THADDEUS G. MCCOTTER
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Friday, September 8, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge Dick and Gini Britton as they celebrate their 30th wedding anniversary, September 4, 2006.

Dick and Gini are a loving couple committed to improving the lives of Michigan citizens. Over the years, their friends and family have watched as their friendship blossomed into a relationship of mutual respect, love, and fulfillment. It began during the mid-1970s, when their friends Mike and Mary Sedlak arranged a dinner date for the couple-to-be. Soon, a relationship ensued, Dick and Gini fell in love, and they married on September 4, 1976.

Their first home was in Dearborn, Michigan, where they lived with their dog, Erin. By the end of the decade, the couple had moved to Commerce Township and bore their first child, Michelle, in 1980. In 1985, their second daughter, Bridget, was born and the family moved to Northville Township a year later.

Dissatisfied with the Northville Township Board of Trustees, Gini decided to make a difference by entering public service; she was elected to the Board in the early 1990s, where we initially met. Her dedication to the citizens of Northville continued even after moving to Oxford, Michigan, during the spring of 1999. For several years after they moved, Gini still ordered the local newspaper, the Northville Record, to maintain her awareness of Northville current events. Currently, Gini serves as a political consultant for the Oxford Rotary and member of the Oxford Women’s Club. In addition, Dick is a member of the Knights of Columbus and has loyally worked at the manufacturing representative firm, Terry Barr Sales, for 30 years. Last year, as Gini battled breast cancer, Dick supportively stood by her side through chemotherapy and at every major consultation or procedure until she defeated the disease.

Mr. Speaker, this loving family has touched the lives of so many individuals across Michigan. Gini Britton’s legendary commitment to promoting effective governance is a testament to her moral and compassionate character. For three decades, Dick and Gina have shown an unwavering and selfless dedication to their family, their friends, and to each other. Today, I ask my colleagues to join me in celebrating their 30th wedding anniversary and in honoring them for their years of unfaltering service to our community and our country.
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9227–S9281

Measures Introduced: Four bills and three resolutions were introduced, as follows: S. 3879–3882, and S. Res. 562–564.

Measures Reported:

- Special Report entitled “The Use by the Intelligence Community of Information Provided by the Iraqi National Congress.”. (S. Rept. No. 109–330)
- Special Report entitled “Postwar Findings About Iraq’s WMD Programs and Links to Terrorism and How They Compare with Prewar Assessments”. (S. Rept. No. 109–331)
- Report to accompany S. 2590, to require full disclosure of all entities and organizations receiving Federal funds. (S. Rept. No. 109–329)

Measures Passed:

- **Yad Vashem Holocaust Martyrs’ and Heroes’ Remembrance Authority**: Senate agreed to S. Res. 562, paying tribute to the Reverend Waitstill Sharp and Martha Sharp for their recognition by the Yad Vashem Holocaust Martyrs’ and Heroes’ Remembrance Authority as Righteous Among the Nations for their heroic efforts to save Jews during the Holocaust.

- **National Celiac Disease Awareness Day**: Senate agreed to S. Res. 563, designating September 13, 2006, as “National Celiac Disease Awareness Day”.

- **National Polycystic Kidney Disease**: Senate agreed to S. Res. 564, designating September 10 through September 16, 2006, as “National Polycystic Kidney Disease Awareness Week” and supporting the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease and to foster understanding of the impact polycystic kidney disease has on patients and future generations of their families.

- **National Sexual Assault Hotline**: Committee on the Judiciary was discharged from further consideration of S. Res. 537, supporting the National Sexual Assault Hotline and commending the Hotline for counseling and supporting more than 1,000,000 callers, and the resolution was then agreed to.

- **Coin Commemoration for Bicentennial of Lincoln’s Birth**: Senate passed H.R. 2808, to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln, clearing the measure for the President.

- **Safe Port Act**: Senate continued consideration of H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, taking action on the following amendment proposed thereto:

Pending:

- Stevens (for DeMint) Amendment No. 4921, to establish a unified national hazard alert system.

- McCain Modified Amendment No. 4922, to provide increased rail transportation security.

A unanimous-consent agreement was reached providing for further consideration of the bill at 4 p.m., on Monday, September 11, 2006.

Messages From the House:

Measures Placed on Calendar:

Measures Read First Time:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Adjournment: Senate convened at 9:30 a.m., and adjourned at 1:43 p.m., until 2 p.m., on Monday, September 11, 2006. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S9281.)

Committee Meetings

No committee meetings were held.
House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 3 public bills, H.R. 6049–6051, were introduced. Page H6369

Additional Cosponsors: Page H6369

Reports Filed: Reports were filed today as follows:

H.R. 5815, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, with amendments (H. Rept. 109–643); and

H.R. 4583, to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products, with an amendment (H. Rept. 109–644); and

H.R. 5503, to amend the National Housing Act to increase the mortgage amount limits applicable to FHA mortgage insurance for multifamily housing located in high-cost areas (H. Rept. 109–645).

Speaker: Read a letter from the Speaker wherein he appointed Representative Campbell to act as Speaker pro tempore for today. Page H6367

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H6367.

Senate Referrals: S. 1998 was referred to the Committee on the Judiciary; S. 2200, S. 2697, and S. 3722 were referred to the Committee on International Relations; and S. 2590 was held at the desk.

Quorum Calls—Votes: There were no Yea-and-Nay votes, and there were no Recorded votes. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 2:03 p.m.

Committee Meetings

No Committee meetings were held.

CONGRESSIONAL PROGRAM AHEAD

Week of September 11 through September 16, 2006

Senate Chamber

On Monday, at 4 p.m., Senate will resume consideration of H.R. 4954, SAFE Port Act.

During the balance of the week, Senate may consider any cleared legislative and executive business, including appropriation bills and conference reports, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: September 14, Subcommittee on Energy and Water, to hold hearings to examine an overview of the Global Nuclear Energy Partnership, including proposed advanced reaction technologies for recycling nuclear waste, 9:30 a.m., SD–138.

September 14, Subcommittee on Homeland Security, to hold hearings to examine the British system versus the U.S. system relating to catching terrorists, 9:30 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: September 12, to hold hearings to examine Treasury’s role in combating terrorist financing five years after 9/11, 10 a.m., SD–538.

September 13, Subcommittee on Housing and Transportation, with the Subcommittee on Economic Policy, to hold joint hearings to examine the housing bubble and its implications for the economy, 10 a.m., SD–538.

September 14, Full Committee, to hold hearings to examine the Department of Defense’s report on predatory lending practices directed at members of the armed forces and their dependents, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: September 12, to hold hearings to examine pending nominations, 10 a.m., SR–253.

September 14, Subcommittee on Aviation, to hold hearings to examine rural air service, 10 a.m., SR–253.

Committee on Energy and Natural Resources: September 12, to hold hearings to examine the effects of the BP pipeline failure in the Prudhoe Bay Oil Field on U.S. oil supply and to examine what steps may be taken to prevent a recurrence of such an event, 10 a.m., SD–106.

September 13, Full Committee, business meeting to consider the nominations of David Longly Bernhardt, of Colorado, to be Solicitor, John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement, and Mark Myers, of Alaska, to be Director of the United States Geological Survey, all of the Department of the Interior, and other pending legislation, 11:30 a.m., SD–628.

September 14, Full Committee, to hold hearings to examine the nominations of C. Stephen Allred, of Idaho, to be Assistant Secretary, and Robert W. Johnson, of Nevada, to be Commissioner of Reclamation, both of the Department of the Interior, 10 a.m., SD–628.

Committee on Environment and Public Works: September 13, business meeting to consider H.R. 5689, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, S. 1848, to promote remediation of inactive and abandoned mines, S. 3630, to amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, H.R. 3929, to amend
the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California, S. 3617, to reauthorize the North American Wetlands Conservation Act, H.R. 5061, to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytewville National Fish Hatchery to the State of Virginia, S. 3551, to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, S. 3867, to designate the Federal courthouse located 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, proposed Convention on Supplementary Compensation for Nuclear Damage Contingent Cost Allocation Act, an original bill, to amend the Clean Air Act to encourage the most polluted areas in the United States to attain clean air standards, S. 2348, to amend the Atomic Energy Act of 1954 to require a licensee to notify the Atomic Energy Commission, and the State and county in which a facility is located, whenever there is an unplanned release of fission products in excess of allowable limits, S. 3591, to improve efficiency in the Federal Government through the use of high-performance green buildings, and the nominations of William B. Wark, of Maine, and William E. Wright, of Florida, each to be a Member of the Chemical Safety and Hazard Investigation Board, and Stephen M. Prescott, of Oklahoma, and Anne Jeannette Udall, of North Carolina, each to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and other committee matters; to be followed by a hearing to examine the nominations of Roger Romulus Martella, Jr., of Virginia, to be Assistant Administrator, and Alex A. Beehler, of Maryland, to be Inspector General, both of the Environmental Protection Agency, and William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority, 9:30 a.m., SD–406.

September 14, Subcommittee on Clean Air, Climate Change, and Nuclear Safety, to hold an oversight hearing on the NRC’s authority and responsibility in complying with currently proposed nuclear waste legislation and appropriations, 9:30 a.m., SD–406.

Committee on Finance: September 11, Subcommittee on International Trade, to hold hearings to examine NAFTA at year twelve, 2 p.m., SD–215.

September 12, Full Committee, to hold hearings to examine law enforcement challenges relating to breaking the methamphetamine supply chain, 10 a.m., SD–215.

September 13, Full Committee, to hold hearings to examine charitable care and community benefits at non-profit hospitals, 10 a.m., SD–215.

Committee on Foreign Relations: September 12, to hold hearings to examine the nomination of James R. Kunder, of Virginia, to be Deputy Administrator of the United States Agency for International Development, 11 a.m., SD–419.

September 13, Full Committee, to hold hearings to examine securing a permanent cease-fire relating to Lebanon, 9:30 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: September 14, to hold hearings to examine the value of a skills based point system relating to employment-based permanent immigration, 10:30 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: September 12, to hold hearings to examine the next five years relating to homeland security, 9:30 a.m., SD–342.

September 13, Full Committee, to hold hearings to examine the nominations of Wayne Cartwright Beyer, of New Hampshire, to be a Member of the Federal Labor Relations Authority, and Stephen Thomas Conboy, of Virginia, to be United States Marshal for the Superior Court of the District of Columbia, 2:30 p.m., SD–342.

September 14, Subcommittee on Federal Financial Management, Government Information, and International Security, to resume hearings to examine Federal agencies spending on conference meetings and travel, focusing on how they monitor and track conference participation and spending and control these activities, 2:30 p.m., SD–342.

Committee on Indian Affairs: September 14, to hold hearings to examine the nomination of Carl Joseph Artman, of Colorado, to be Assistant Secretary of the Interior for Indian Affairs; to be immediately followed by a business meeting to consider the nomination of Carl Joseph Artman, of Colorado, to be Assistant Secretary of the Interior for Indian Affairs, 9:30 a.m., SR–485.

Committee on the Judiciary: September 12, to hold hearings to examine the Thompson Memorandum’s effect on the right to counsel in corporate investigations, 9:30 a.m., SD–226.

September 12, Full Committee, to hold hearings to examine judicial nominations, 2 p.m., SD–226.

September 13, Full Committee, business meeting to consider pending calendar business, 9:30 a.m., SD–226.

September 13, Subcommittee on Crime and Drugs, to hold hearings to examine challenges facing today’s federal prosecutors, 2:30 p.m., SD–226.

Select Committee on Intelligence: September 13, to receive a closed briefing regarding intelligence matters, 2:30 p.m., SH–219.

September 14, Full Committee, to receive a closed briefing regarding intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: September 13, to hold hearings to examine managed care relating to securing Medicare’s future, 10 a.m., SD–562.

September 14, Full Committee, to hold hearings to examine a generation at risk relating to senior suicide, 10 a.m., SD–562.

House Committees

Committee on Agriculture, September 13, hearing to Review Federal Farm Policy, 10 a.m., 1300 Longworth.
September 14, Subcommittee on General Farm Commodities and Risk Management, hearing to Review Federal Farm Policy, 10 a.m., 1300 Longworth.

Committee on Appropriations, September 12, Subcommittee on Foreign Operations, Export Financing, and Related Programs, hearing on Afghanistan Interdiction/Eradication of Illegal Narcotics and U.S. Lead Rebuilding Programs, 10:30 a.m., 2359 Rayburn.

September 13, Subcommittee on Energy and Water Development, and Related Agencies, oversight hearing on Nuclear Energy, 10 a.m., 2359 Rayburn.

September 14, Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies, hearing on FBI Transformation, 1:30 p.m., 2359 Rayburn.

Committee on the Budget September 13, hearing on How Budgetary Choices Affect Work, Saving, and Growth, The Real Purpose of ‘Dynamic’ Estimating, 10 a.m., 210 Cannon.

Committee on Energy and Commerce, September 12, Subcommittee on Oversight and Investigations, hearing entitled “Continuing Ethics and Management Concerns at NIH and the Public Health Service Commissioned Corps,” 2 p.m., 2123 Rayburn.

September 13, Subcommittee on Energy and Air Quality, hearing on nuclear waste storage and disposal policy, and hydroelectric license extension and energy efficiency legislation, 2 p.m., 2322 Rayburn.

September 13, Subcommittee on Telecommunications and the Internet, hearing entitled “CyberSecurity: Protecting America’s Critical Infrastructure, Economy, and Consumers,” 10 a.m., 2123 Rayburn.


Committee on Financial Services, September 12, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled “The International Fund for Agricultural Development (IFAD) and the Importance of Agricultural Development in Sustainable Global Poverty Reduction,” 2 p.m., 2128 Rayburn.


Committee on Government Reform, September 11, 13 and 15, Subcommittee on National Security, Emerging Threats and International Relations, hearings entitled “Iraq: Democracy or Civil War?” 10 a.m., 2154 Rayburn.

September 13, Subcommittee on Energy and Resources, hearing entitled “Interior Department: A Culture of Managerial Irresponsibility and Lack of Accountability?” 2 p.m., 2154 Rayburn.

September 13, Subcommittee on Federal Workforce and Agency Organization, to consider H.R. 4859, Federal Family Health Information Technology Act of 2006, 2 p.m., 2203 Rayburn.

September 13, Subcommittee on Government Management, Finance, and Accountability, hearing entitled “DHS Financial Management: Evaluating Progress in Improving Internal Controls,” 2 p.m., 2247 Rayburn.

September 14, full Committee, hearing entitled “Part Two, Interior Department: A Culture of Managerial Irresponsibility and Lack of Accountability?” 10 a.m., 2154 Rayburn.


September 14, full Committee, executive, briefing on the recent plot to detonate liquid explosives carried on airliners traveling from the United Kingdom to the United States, 10 a.m., H2–176 Ford.

September 14, Subcommittee on Prevention of Nuclear and Biological Attack, hearing entitled “The Science of Prevention,” 2 p.m., room to be announced.

Committee on International Relations, September 14, oversight hearing on Japan’s Relations with Its Neighbors: Back to the Future? 10 a.m., 2172 Rayburn.

September 14, Subcommittee on the Middle East and Central Asia, oversight hearing entitled “Is There a Clash of Civilizations? Islam, Democracy, and U.S.-Middle East and Central Asia Policy,” 10 a.m., 2200 Rayburn.

Committee on the Judiciary, September 12, Subcommittee on Crime, Terrorism, and Homeland Security, hearing on H.R. 5825, Electronic Surveillance Modernization Act, 4 p.m., 2141 Rayburn.

September 13, Subcommittee on the Constitution, oversight hearing on The Americans with Disabilities Act: Sixteen Years Later, 2 p.m., 2141 Rayburn.


September 14, Subcommittee on Courts, the Internet, and Intellectual Property, hearing on H.R. 5120, to amend title 35, United States Code, to conform certain filing provisions within the Patent and Trademark Office, 11:30 a.m., 2141 Rayburn.

Committee on Resources, September 13, hearing on the following bills: H.R. 5617, 13th Regional Corporation Land Entitlement Act; and H.R. 5781, Copper Valley Native Allotment Resolution Act of 2006, 2 p.m., 1324 Longworth.
September 13, Subcommittee on National Parks, oversight hearing entitled “Visitation Trends in the National Park System—Part II,” 2 p.m., 1334 Longworth.

September 14, Subcommittee on Fisheries and Oceans, hearing on the following bills: H.R. 4953 (S. 2430), Great Lakes Fish and Wildlife Restoration Act of 2006; and H.R. 4345 (S. 2041), Ed Fountain Park Expansion Act, 10 a.m., 1324 Longworth.


Committee on Science, September 13, hearing on How Can Technologies Help Secure Our Borders? 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, September 13, oversight hearing on Low Pressure Liquid Pipelines: In the North Slope, Greater Prudhoe Bay, Alaska, 11 a.m., 2167 Rayburn.

September 13, Subcommittee on Water Resources and Environment, hearing on the Great Lakes Regional Collaboration Strategy—Can it be implemented to restore and protect the Great Lakes? 2 p.m., 2167 Rayburn.

September 14, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on the Review of Coast Guard Mission Performance, 10 a.m., 2167 Rayburn.


Committee on Veterans’ Affairs, September 13, Subcommittee on Disability Assistance and Memorial Affairs, oversight hearing on the training provided to Veterans Benefits Administration claims adjudicators and the standards used to measure their proficiency and performance, 2:30 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, September 13, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, hearing on the National Strategy for Combating Terrorism and the Evolving Terrorist Threat, 3 p.m., H–405 Capitol.

September 14, full Committee, executive, briefing on Global Updates/Hot Spots, 9 a.m., H–405 Capitol.

September 14, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, hearing on DOD HUMINT Way Ahead, 2 p.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: September 13, to hold hearings to examine Romanian governmental and non-governmental perspectives on the current state of care of persons with disabilities in Romania, 2 p.m., SD–226.

Conference: September 12, meeting of conferees on H.R. 5122, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, 4:30 p.m., SH–216.
Next Meeting of the SENATE
2 p.m., Monday, September 11

Senate Chamber
Program for Monday: After the transaction of any morning business (not to extend beyond 4 p.m.), Senate will resume consideration of H.R. 4954, SAFE Port Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, September 12

House Chamber
Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE
Jackson-Lee, Sheila, Tex., E1677
McCotter, Thaddeus G., Mich., E1677, E1677, E1678
Rothman, Steven R., N.J., E1677